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International Court of Justice

H0947-0002

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

11 June 1946.

COMMISSIONERS:

Colonel A. M. S. Neave
M. Martin Havard

THE GESTAPO

(THE COMMISSION CONVENED AT 1000 HOURS.)

WALTER ALBATH, a witness, took the stand and testified as follows:

COLONEL NEAVE: The witness may sit down. Wou understand that you are still under oath.

THE WITNESS: Yes.

COLONEL NEAVE: Before we have the examination of this witness continued, I would like to make an announcement regarding the witnesses that will follow. We will hear the SS witnesses mentioned on the list in the following order: Heinz Joachim Graf, Felix Schieblich, Karl Ullrich, Dr. Eberhard von Thadden and Marquardt.

DR. MERKEL: If possible, I would appreciate it if we could have the transcripts a little earlier than we have in the past. The last one we received was of the 27th of May.

COLONEL NEAVE: Do you know which witness that was?

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DR. MERKEL: I believe the last one was cross examination of the Witness Joel.

COLONEL NEAVE: I will see if this can be expedited.

BY DR. WEISGERBER:

Q Yesterday, we stopped our examination at the point of the co-ordinating decree. You said by reason of this coordinating decree members of the Gestapo in particular received an SS rank. How did this uniform look?

A The uniform was the SS field grade uniform with the corresponding SS insignia on the shoulder. On the left arm, the SD insignia was affixed.

Q Were all the people, who wore the uniform with the SD insignia on their sleeve, members of the Gestapo?

A This was by no means the case. These people could also have been either members of the SD, the Gestapo or of the Criminal Police.

Q Therefore, an outsider could not distinguish as to whether a person who wore the uniform with the SD insignia thereon was a member of the Gestapo, the SD or the Criminal Police?

A No.

Q One of the tasks of the inspectors who testified yesterday said that one of the tasks of the Gestapo was the supervision of those subordinate to him. Is that correct?

A No. He was supervised by the Criminal Police and the SD office.

Q Among other things one of their tasks was to see to it that the members of the Gestapo carried out no illegal activities.

A It was my task to see to it that the measures ordered by the Reichs

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Security Main Office were carried out in general, without my interfering in details that did not concern me.

Q If any officer acted against or contrary to any measures that had been issued, was he placed before a court or was any action taken against him?

A Yes, action was taken against him by the SD police authorities.

Q Do you know of any sentences that had been placed on members of offices subordinate to you?

A Yes, in 1935, four members of the executive division of the Gestapo Police office in Berlin were sentenced to long terms of imprisonment. In 1936, State Official V. Steinmeister was sentenced to seven years penal service for bribery. He was of the same office. In 1940, Pust was also sentenced to a long term of imprisonment and in the same year a man called Friedrich was sentenced to an imprisonment term for disobedience and fraud.

COLONEL NEAVE: I think that this description of the disciplinary action taken against the members of the organization must like all the other organizations we are ~~describing~~ discussing, relate to Article 6 of the Charter ~~Charges~~. Whether or not a man was arrested for fraud in the organization does not seem to be relevant ~~in~~ to this at all.

DR. WEISGERBER: If I understand your question correctly, you mean my questions are not relevant because the descriptive action the witness has set forth does not follow under Article 6?

COLONEL NEAVE: I ~~said~~ suggest that you should tell me ~~if~~ how they do.

DR. WEISGERBER: I think that I should be allowed to show

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that action was always taken when officers in these offices carried on illegal activities, if it was shown that they had, they were punished.

COLONEL NEAVE: I say that these questions should relate to crimes under Article 6 of the Charter and not to a matter of mere ~~the man or manner of~~ internal discipline.

DR. WEISGERBER: Whether the activities of any organization were criminal or not is a conclusion to be drawn from the testimony given here and the proof given here, therefore, I believe that the defense must be allowed to submit proof of any steps taken for activities as defined in para 6 of the order or article 6 of the Charter. ~~chapter 6 or order 6 under the charter.~~

COLONEAL NEAVE: If you continue on those lines, you may go on, but they must be confined to the provisions of article 6. I am not stopping your examination, providing the questions do ~~xxxxxx~~ relate to those crimes.

BY DR. WEISGERBER:

Q Is it true that a number of Gestapo members asked to be employed in offices outside of the Gestapo office?

A Yes.

Q Can you give any reasons for these applications or can you say why the Gestapo officers wanted to leave the Gestapo. Was it because they thought that they had seen criminal activities within the organization?

A They did not want to leave the Civil Service, they only wanted to transfer to another office. Not because the activities of the Gestapo might have been criminal, but because there were personal reasons that enduced them to do so. For example, some men did not like the frequent transfers that took place within the Gestapo, another man who might have

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been strongly religious, did not like the religious policy of the Gestapo and other people did not want to have the untrained personnel of the SD give them any orders or who considered themselves as competent for another office and hoped for better salaries and positions in a different state employment.

Q How were such applications handled and passed upon?

A As it was not within the scope of my authority to pass upon these applications, I passed them on to the RSHA and as far as I know all such applications were rejected. During the war, I did not pass on any such applications at all but told the applicant of the uselessness of this application.

Q The prosecution has accused the Gestapo of making use of the possibility of taking people into protective custody on a very wide scale in order to carry out its illegal objectives. What do you know about placing people under protective custody by the Gestapo Police Offices?

A These arrests were taken by reason of an order of February 28, 1933, they were on a legal basis. As far as I know political custody was also known in other European countries. The state police offices were not authorized to carry out protective custody measures independantly. This was the work of the RSHA. The Gestapo offices could only make a temporary arrest.

Q How were the instructions for such protective custody measures issued? Did the Gestapo office take action of its own accord, or were the arrests made by reason of reports of a third party?

A The reports and denouncements on which these arrests were based

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came for one part from the population, others from the police office and the state offices or party offices and also from the SD.

Q Did the Gestapo have an intelligence service of its own?

A I have to make a distinction between the intelligence service of the SD and that of the Gestapo. In the different branches of organization, the Gestapo had the so-called Dienstanfsichtsbeschwerde or confidence men or agents. On the other had the SD had a very wide spread corps of such confidence men that extended into the population itself. These people were also placed in the different offices of authority because the SD had to see to getting information concerning all spheres of life.

Q Were any protective custody orders issued against Jews without any apparent reason. Please distinguish between the two periods from 1933 to 1941 on the one hand and after 1941 on the other hand.

A Until the middle of 1941, no protective custody warrants were issued against Jews without any reason. Protective custody warrants were issuad against Jews if they trespassed on the orders and regulations issued concerning them. After the middle of 1941 protective custody warrants were issued against Jews by reason of the orders of RSHA in their entirety.

Q Were any orders issued to you, or to your subordinate offices, by the RSHA or Amt. 4 concerning the extermination of Jews?

A No.

Q Did the protective custody procedure preclude the possibility of a post examination?

A Yes.

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Q How?

A By means of making use of the Dienstanfsichtsbeschwerde (official supervision complaint.) There was no legal measures that might be compared to the Dienstanfsichtsbeschwerde, for example, those bound to no definite time or form, the complaint had to be handed on to the office that was mentioned in the complaint.

Q Did any such complaints ever have any success?

A Yes. Distinction has to be made between three kinds of complaints. If the person concerned had only been arrested temporarily and if the complaint was addressed to the chief of the office, he himself could pass on it and make a decision. By reason of such complaints, I, personally, had several persons released, particularly if the thing of which the person had been accused was not true. The second includes those complaints that were directed to the RSHA and where the person concerned had only been arrested temporarily and in such cases the RSHA passed the decision. The third case was if the RSHA had already ordered protective custody and then the complaint was passed on to the RSHA. The RSHA also released persons by reasons of such complaints being sent to them and in this connection, I would like to mention the Haftpriefungsverfahren and the arrest examination procedure, the examining of arrest measures. According to a decree, the offices had to check every three months on whether the protective custody arrests of certain people was still necessary and was to be continued. If the persons concerned were in a concentration camp, the commandant of the camp was asked to send a report on behalf of the person concerned and also a report on the behaviour of the inmate. A report was sent to the

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RSHA and they decided as to whether the arrest was to continue or not. Unfortunately very often the RSHA did not accede to the proposals made by the Gestapo concerning the release of certain prisoners and the reasons as to why this was done was not known to our offices.

COLONEL NEAVE: Does what the witness is now describing relate to the system of the whole of Germany or only to the ~~whole of Chapter 6~~ Wehrkreis 6?

DR. WEISGERBER: The system was similar and almost the same in the whole of Germany.

COLONEL NEAVE: Alright, go on.

BY DR. WEISGERBER:

A Toward the close of the war, the RSHA restricted its checking on protective custody arrests and toward the end stopped it all together.

Q In the Prussian Order, issued February 10, 1936, Document known as 2108 PS, it says, "The Gestapo Administers the State Concentration Camps." What can you say about that?

A I did not hear of this order until the time of my arrest. This order was never put into effect. May I add something relative to the political custody procedure? The Gestapo offices were obligated to care for the families of any persons under protective arrest insofar as their names had to be added on the NS Welfare organization. In case the arrested man was the owner of a business, a trusteeship had to be appointed so that the means and powers of income were retained. This had to be ordered in decrees issued by the RSHA.

Q As you were employed in several Gestapo offices, do you know that if within the jurisdiction of your staff offices there was a concentration

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camp?

A No.

Q I must assume thought that your protective custody consultants knew of the conditions in the concentration camps as depicted by the prosecution?

A It is correct that sometimes concentration camp inmates had to report to our office after their release from concentration camps and it is certain that the officers asked them concerning coditions there. The inmates pointed out to them that upom their release they were bound to secrecy. As far as I know, the inmates who reported to my officers did not give any impression of being run down, so from such a view my officers might have concluded that atrocities and cruelities did not occur.

Q Do you know of the Kugel Erlass or the Decree bullet?

A I know the order as to its contents, I don't remember whether I read it myself or not, but I heard of it in some way or other.

Q How as the decree bullet enforced in your area.

A As far as I know, not very successfully, for in such cases the Criminal Police Office of the Gestapo office would have to report to me, but thiw did not occur.

Q I am having this Document submitted to you. It is Document 1650 PS. I want to submit this decree to the witness in order to find out if he had ever seen it before. You maintain that this decree bullet was never enforced within the scope of your jurisdiction?

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A No, I cannot say that much. I can only say that no reports were sent to me by my officers concerning the success of this decree and if this decree had had any particular success, my officers and offices would have had to report to me about this.

Q How can you or how do you explain the term "Kugel" in the decree?

A The RSHA used to use very peculiar terms merely as a code name. I did not bother myself particularly about the term "Kugel" in this decree.

Q Do you know of the Kommando decree?

A Yes.

Q Please turn to No. 69 in the Document book, Document 553 PS.

A Yes, I have it.

Q Look at this decree briefly and tell us whether you know this decree or not.

A I know its contents. I believe I heard of it on the radio. I don't believe that the Gestapo or myself ever received it in this form.

Q How was this Kommando Decree enforced in your area?

A It was not enforced at all, because we did not take any such prisoners in our district and such troops were not handed over to us by the army.

Q I have three more questions, then will conclude.

Is it true that political officers reproached the Gestapo officers for being too bureaucratic, too lame and that they were no good?

A Yes, this was frequently the case. The Gestapo was very often reproached in this fashion by Gauleiters, Kreisleiters, police leaders of the SS and by the SD.

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Q Did any of your officers and employees hand in any complaints concerning the fact that they were being asked to carry out illegal activities?

A There were sometimes complaints by my employees concerning the so-called big boss system within our office and also in the opinion of the employees and the officers. As far as I know these complaints were within the area. Of course, in this connection, I have to point out that by reason of their work the officers noticed very many mal-conditions within the party and I, myself, was very often put out about this. Although complaints were sent to the RSHA in Berlin, no action was taken.

Q In conclusion, might I summerize your testimony this way: that membership in the Gestapo was neither in general voluntary nor their activities in general - criminal.

MR. MONNERAY: I object to this question, as I think this is to be settled by the Tribunal and not by the witness.

COLONEL NEAVE: The witness cannot judge whether the activities are criminal.

DR. WEISGERBER: I meant to confine myself to the members of the Gestapo office subordinate to the witness.

COLONEL NEAVE: Please repeat the question.

DR. WEISGERBER: The question, as I summerized the testimony, was might I say that the members of the Gestapo in the office subordinate to you were in general not voluntary employees and civil servants?

THE WITNESS: Yes, I wanted to say that one could not speak of a general voluntary membership in the Gestapo.

DR. WEISGERBER: You further wanted to say that the activities of the

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officers and employees subordinate to you were by no means criminal activities?

MR. MONNERKY: I believe that the question could be framed so that the witness could say he did not believe his activities or the activities of the offices under him were criminal.

DR. WEISGERBER: You mean to say that the tasks and activities of the employees and officers in the offices subordinate to you were entirely free and could not be considered as criminal?

THE WITNESS: Yes.

DR. WEISGERBER: No further questions.

(THE COMMISSION RECESSED FOR TEN MINUTES.)

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CROSS-EXAMINATION

BY MAJOR MURRAY:

Q As I understand it, it was your duty to see that the Decrees of the Reich Security Main Office were carried out in the area of which you were the Inspector. Is that correct?

A I personally only had to see to matters concerned with organization. Solving the other tasks and duties was the work of the different offices.

Q But you were Inspector and it was your duty to see that the officers under you were carrying out the Decrees of the Reich Security Main Office, isn't that right?

A Yes, that is true. I had a general official scope of jurisdiction to see to it that the Decrees or Orders of the RSHA were carried out.

Q It was your duty, therefore, to see that the Gestapo in your area carried out the investigations of the Prisoner of War Camps to determine which prisoners of war were not racially or politically acceptable and to be executed, isn't that correct?

A As far as I know there were no such departments or commissions in the Prisoner of War Camps within my jurisdiction. As far as I know this was true only of the Prisoner of War Camps in the East.

Q There were Prisoner of War Camps in your District were there not?

A Yes.

Q And that order, with which you are familiar, applied to all Prisoner of War Camps, did it not?

A I did not receive this order nor did I have to enforce it. The only thing I had to do when I was still in Koenigsburg was to send one of my officials to Berlin to a conference concerning this question.

Q You did know about the Order then, didn't you?

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A No, I didn't know of it in detail. I was only told to send one of my officials to Berlin. What happened in Berlin and what instructions were given there, I do not know. This took place in the Summer or autumn of 1941.

Q You know of course, do you not, that that was a General Order, dated 17 July 1941, and went to all Gestapo Headquarters, of which you were one?

A I can only repeat what I said just now. I know no definite details concerning the carrying out of this Order.

Q But that was an important Order wasn't it?

A Yes.

Q And you, as Inspector, would certainly know about all the important Orders, wouldn't you?

A I was not Inspector at that time. At Koenigsberg I was Chief of the Gestapo Office and when I arrived at Düsseldorf there was no such Order there.

Q Where were you in November 1938?

A I was in Coblenz at that time.

Q You were Chief of the Gestapo in Coblenz at that time, weren't you?

A I was the Deputy of the Chief of the Gestapo Office at Coblenz.

Q I understood you to tell us this morning that no Jews were taken into custody until 1941 except for good reasons, is that correct?

A Yes.

Q After 1941 you took Jews into custody without any reason whasoever, is that ~~g~~ true?

A An Order was issued by the RSHA that certain Jews belonging to certain categories were to be collected and transported to a certain destination.

Q You were in Coblenz at the time of the Jewish Pogrom in November 1938, is that right?

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A No. On the 2nd of November I married and was on leave of absence for a long time.

Q How long was that leave of absence?

A About three weeks.

Q In any event you knew that the Gestapo in Coblenz received orders to organize that Pogrom, did you not?

A No. I went on leave a few days before my marriage and at that time there was no such order in my office.

Q You know it now, don't you?

A Yes.

Q You know, don't you, that that order from Mueller stated that 20,000 to 30,000 Jews were to be seized and that they were particularly to be wealthy Jews. Is that what you considered a good reason for arresting Jews?

A I can't say anything about this because after my leave had expired I was sent to Elbing as Chief of Office and no arrests of Jews had taken place in Elbing.

Q There were concentration Camps in your area, were there not?

A No.

Q Not any in that entire Area?

A Not in Wehrkreis 6.

Q In your position with the SD, the Criminal Police and the Gestapo you were familiar with the activities of the Einsatzgruppen in the Eastern Occupied Territories, were you not?

A Not at all. I had no connection with these Einsatzgruppen except that certain members of my staff had been commandeered to be members of Einsatzgruppen.

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Q So that you knew that the Einsatzgruppen existed?

A Yes.

Q When did you first learn of them - about 1941 was it?

A Yes, I knew that such Einsatzgruppen existed when I left Koenigsberg and from Düsseldorf afterwards also officials had been commandeered to Einsatzgruppen.

Q So that you knew from 1941 on that these Einsatzgruppen did exist?

A Yes.

Q And all of the other persons in the Gestapo knew about the existence of these Einsatzgruppen, did they not?

A The majority did, yes.

Q The majority did. And you still continued to stay in the Gestapo and not object to the activities of these Groups?

A I had no possibility of leaving the Gestapo and furthermore I did not know what activities the Einsatzgruppen carried out.

MAJOR MURRAY: I have no further questions.

BY M. MONNERAY:

Q. I have a few questions; first, about the Concentration Camps in Wehrkreis 6. Were you in Düsseldorf in 1944?

A Yes.

Q And you were Inspector of the Sipo and SD in Düsseldorf?

A Yes.

Q You maintain that you had no camps at all with foreign workers, no camps with internees, in your Area?

A I only knew of the instance of such foreign labor camps with concentration camp inmates to the extent that there was a liaison officer who recruited manpower (workmen) for the industrial firms.

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Q Did you in your Area have any Arbeitslager (Work Camps?)

A Yes, two.

Q And did you know where the internees of those Work Camps came from?

A Yes. They were work shirkers who had been arrested by the Criminal Police and State Police and had been entered into such a Camp for a period of 52 days.

Q Were there also internees from concentration camps detached into the Work Camps in your area?

A No.

Q Do you know that you are testifying under oath?

A Yes. As far as I know in the labor training camps in Essen-Mühlheim there were no concentration camp inmates. The Gestapo offices under whose jurisdiction these camps were ought to be able to give more definite information.

Q Do you remember that you requested reports from your different Gestapo Service Offices about the security measures to be taken against the internees of work camps who came from the different concentration camps, such as Buchenwald?

A As far as I know I have to repeat again that no concentration camp inmates were detached into labor training camps.

Q Do you remember a Work Camp at Essen Schwarzepoth 13?

A It is not known to me.

Q May I show you a letter sent by the Gestapo Office at Düsseldorf 13 July 1944 to the Inspector of the Sipo and the SD in Düsseldorf - you were the Inspector at that time - and in this letter is is said "According to the mission we received the checking up of the different work camps and the concentration camps in our area has been carried out" and after that the letter mentions the Work Camp at Essen-Schwarzepoth 13 which is an

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intermediate camp of the concentration camp of Buchenwald, with 150 internees (90 Russians, 40 Poles, a few Frenchmen, Dutch, and so on.) This is document 1063-PS and I will show you this letter so that you can read the text.

(The document was handed to the witness, who read the letter.)

Do you now remember this letter?

A Yes.

Q Are you always telling the truth to the same extent as you did just now when you are under oath?

A Yes. I did not tell an untruth. I only said that in my area there were no concentration camps. These camps were labor camps which in detail were subordinate to Higher SS Offices. May I add something? This letter bears the following background.....

Q I did not ask you about the background of this letter. I just wanted to check on the credibility of your testimony. You were aware of what was going on in the concentration camps, weren't you?

A No. I only learned of what went on there to the extent that I did from the film that we saw in this building.

Q You told us that the Gestapo had nothing to do with the administration of concentration camps, didn't you?

A Yes.

Q But your offices knew when they arrested people that those people had to be sent to concentration camps, didn't they?

A Yes, if RSHA had given a corresponding order.

Q Had the Gestapo offices on their own authority the administration of work camps?

A Yes, labor training camps.

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Q For how long could people be put into those Educational Work Camps?

A The regulation was that they should be sent into these camps for 56 days because they had shirked work.

Q And after that?

A They were released unless RSHA ordered concentration camp internment for a certain individual or individuals so that they had to be transferred to a concentration camp.

Q Didn't you receive an order from the RSHA asking you to send into the concentration camps all those workers who were in the Educational Labor Camps?

A Yes. One day an order was issued saying that concentration camps were to be replenished for armament work purposes and that the Labor Education Camps had to transfer their inmates to concentration camps for this reason.

Q Do you remember the date of this order?

A I believe the date was 1943.

Q Could it be also 1942? Would you accept that date if I showed you the order?

A I do not know exactly.

Q How long were the Educational Work Camps in operation? Until the end?

A Until Germany's collapse.

Q And the order asking you to make selection among the internees of the Educational Work Camps was also in operation until the end of the war, wasn't it?

A Do you mean that no more inmates were to be released from the Educational Labor Camps?

Q Yes.

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A No, that was not the case. This was true for the following reason: That the very large numbers of people arrested for shirking work necessitated there being constant releases of these people; otherwise there would not have been sufficient room for them in the camps.

Q When you say that you made no selection afterwards in the work camps for concentration camps that means after 1942?

A Not that I know of but beginning with 1943 I was no longer head of the Gestapo Office. I became an Inspector and therefore was not informed as to these details.

Q But wasn't it just the purpose of this order of 1942 to make the selection between the different workers to be sent to the concentration camps to give as many as possible workers to the German War Industry?

A As far as I know this action was a one-time action only, in order to fill up concentration camps, and I don't believe that this measure was repeated afterwards.

Q Did you receive an order of the RSHA ordering that no judicial trial would any longer be held against Poles, Jews and gypsies?

A Yes.

Q Did you consider this order as a legal order, within the scope of the German Law?

A Yes, because the Minister of Justice said to the Chiefs of the Security Police and SD that these trials that had formerly been held before German Courts would now be held by the Police Authorities.

Q And how did the Police Authorities hold these trials?

A If the conditions of the Decree were fulfilled concerning a certain case, then the RSHA was informed and the RSHA passed its decision on the case.

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Q Your offices did not make any decision directly?

A Not as far as I know. Yes, towards the end of the war they were authorized to make decisions independently, where Poles and East workers were concerned.

Q As a matter of fact, what was the decision?

A The persons concerned were hanged when the conditions were fulfilled, or they were transferred to a concentration camp. That is as far as I remember the Decree.

Q Was there any trial before?

A The accused person had to be interrogated beforehand in detail, witnesses that he mentioned had to be interrogated, all other conditions of a pure criminal nature had to be fulfilled, so that the person concerned could be considered as having been convicted (found guilty) of his crime.

Q Did your investigation take into account the personal motives of the defendant?

A I do not know what you mean by "personal motives."

Q If he had personal criminal intention, for instance, or whether there were any mitigating circumstances?

A Yes, that had to be taken into consideration.

Q Just to show you how correct your testimony is, I will read you just a part of the Document L-316, USA Exhibit 346: "In adjudicating a punishable offence committed by a Pole the same views therefore still obtain in principle as hold good in adjudicating a German. That is, the judge takes the person of the offender as his starting point and tries by a thorough valuation of the offender's personal motives to find an expiation for the deed in accordance with the interests of the peoples' community. Such considerations which may be right for adjudicating a punishable offence

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committed by a German, are, however, wrong for adjudicating a punishable offence committed by a person of alien race. In case of a punishable offence committed by a person of alien race, the personal motives activating the offender must be completely eliminated. The only standard may be that the German Civil Order is endangered by his action and that consequently ~~proper~~ preventive measures must be taken to prevent the recurrence of such acts."

Would you like to have a look at this Document.

(The witness examines the document.)

A I know this document. I should like to say concerning this that in practice the enforcement of this Decree was not possible as provided in the Decree. May I give you an example?

Q I do not think that is necessary. You told us that as to arrests of Jews it was not necessary to have a special order coming from the RSHA after a certain date, isn't that so?

A Yes but this was not an individual order. It was a so-called collective order stating that all Jews of a certain age group were to be arrested and transported to certain places.

Q Could you tell me whether there were other groups it was possible to arrest without individual authority coming from the RSHA.

A I am sorry, I do not think I quite understood the question.

Q Apart from the Jews, which other groups of people could be arrested en block without special authority coming from the RSHA?

A The order was that people living in mixed marriages, that is an Aryan married to a Jew, and so on...

Q I leave now the question of Jews. I mean were there any other groups outside of the Jewish groups?

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A Yes, I don't quite remember the date, it must have been 1943 or 1944, a collective order was issued saying that social democratfactionaries and other persons endangering the security of the State and those known to be political enemies of the State were to be arrested.

Q So the offices of the Police could arrest everybody they considered as being dangerou s to the State?

A As far as they were included in the groups that I have just mentioned, yes, and as far as they were considered dangerous for the security of the State.

Q Who qualified the dangerous character of somebody?

A. The Police Offices had known for some time who these people were and in most cases files concerning these people were in the Police Offices.

Q You did say yesterday your mission, your task, as an Inspector of the SIPO and SD consisted in coordinating the different branches of SIPO and SD, didn't you?

A Yes.

Q Practically, how did you coordinate the offices of the Gestapo and the SD.

A That was difficult. For one reason because the Gestapo was a Civil Service Organization and the SD was a Party Organization. If difficulties arose concerning the cooperation of these two offices I first suggested to the Chiefs of these offices that they discuss their problems and to try to get rid of their difficulties. If this was not possible I told them to refer first to me, not to report immediately to the RSHA because if they had done so the impression would be brought about that they were working against each other and not cooperating.

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Q Could you tell us how the SIPO and SD ought to have cooperated one with the other?

COLONEL NEAVE: Mr. Monneray, what do you mean "ought to have cooperated?"

M. MONNERAY: According to the general plan of the RSHA?

COLONEL NEAVE: Did he deal with this in direct examination - I mean the organization side?

M. MONNERAY: The witness told us that he was inspector of SIPO and SD and that his mission consisted in coordinating both organizations so I think it would be interesting to know according to which directive he had coordinated both organizations.

COLONEL NEAVE: All right.

BY M. MONNERAY:

A According to Heydrich, who was the founder of the SD, he said that the SD was supposed to be the General Staff and that the Gestapo was to be considered the fighting troops. If reports and announcements were handed from the SD to the Gestapo Offices these reports were at first not very authoritative and this of course could be explained by the fact that in the SD were no trained criminal investigators and if the Gestapo could not take any action because these reports were not authoritative, the SD was put out about this and thought that the Gestapo did not want to take any action. On the other hand the Gestapo was annoyed because the SD passed judgment on Gestapo officials who had been trained, while the SD officials had not been trained in Police matters. Of course there were also offices where the co-operation was a very agreeable one.

Q Were any members of the SD at the same time members of the Gestapo?

A The expression "member" is not quite correct. Some of them had been

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commandeered to the Gestapo offices on special fields, for example Church and State matters.

Q But how could the SD members make reports on the general attitude of your officials?

A I don't know whether this was carried out until the very end but for quite a time one of the missions of the SD was to pass judgment on the political attitude and behavior of Gestapo officials. I know that reports were sent to Berlin concerning myself and my officials.

Q Did you receive the reports of the SD?

A No.

Q I do not mean about personal matters but concerning general police matters?

A Yes, in the majority of cases the SD sent the reports, which were also sent to the RSHA, to me, but it was left to the discretion of the SD officials to send reports direct to Berlin without sending them to me in many cases.

Q Do you know whether the same coordination that existed on your level existed also in Berlin between the SIPO and SD?

A I know very little about this.

M. MONNERAY: I have no further questions.

BY COLONEL SMIRNOV:

Q If I understood you correctly, the Gestapo had nothing in common with the mal-conditions and the atrocities committed in the concentration camps?

A No.

Q Is that certain?

A This is shown by the fact alone that no officials and employees of

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the Gestapo were commandeered to concentration camps. I do know, however, that in some of the nearby Gestapo Offices, one or two officials were ordered to concentration camps as interrogation officers.

Q Did the Gestapo carry out any mass executions in the concentration camps?

A I cannot say anything about this because this was not true of my district.

Q Do you know anything of Heydrich's Secret Orders No. 14 and No. 8.

A I do not know them. Perhaps if you would show them to me.

Q I believe that you know that within the RSHA the Gestapo was known as Amt 4. These documents were found in Kiev and this document has already been submitted by the Soviet Prosecution, USSR No. 14. Can you tell us whether this order was issued in Amt 4? (Document shown to witness.)

A Yes, it has the file number of Amt 4.

Q And the First Consultant's Division is mentioned. I believe you remember what the First Consultant's Division means?

A I am sorry but I do not know the formation of the RSHA that exactly.

Q Will you please turn to the last page and look at the Distributor which shows to which departments this order was to be sent: Einsatzgruppe Ia and Ib, Sonderkommando of the Einsatzgruppe C/and D, ~~and Einsatzbefehl 8,~~ etc. Would you please notice that this order was sent to a great many departments and do you say that the Gestapo had nothing in common with the execution of inmates of prisoner of war camps when this order was sent to all the Gestapo Offices and issued by those offices?

DR. WEISGERBER: I should like to have the question discussed as to whether witness is considered competent to testify concerning this question because he neither held an office in RSHA nor was he ever a member of an Einsatzgruppe nor was he ever in a prisoner of war camp.

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COLONEL NEAVE: I think attention has already been called to the fact that Amt 4 is on the distribution list of this document.

DR. WEISGERBER: But the witness himself has never been a member of Amt. 4.

COLONEL NEAVE: I think we will continue the cross-examination.

BY COLONEL SMIRNOV:

Q Will you please look at another document which was also found at the same time, Einsetzbefehl 8, and turn to page 3. Mention is made here of who was in charge of the Einsatzkommandos in these different camps and who carried on the action between them. Do you know Kriminalrat Schiffer?

A Only by hearsay.

Q But he was a member of the Gestapo wasn't he?

A The large number of members of the Gestapo did not make it possible for me to know everyone personally.

Q Did you know Kriminalkommissar Raschwitz?

A No.

Q Will you please turn your attention to who received this Order No. 8? Among others this order was sent to the Chief of the Security Police and SD in Krakau, Königsberg, Tilsit, Allenstein and Stettin. Does not this prove that the Gestapo carried out all these mass executions?

A I do not know to what extent this order was carried out.

Q I should like to cite a paragraph from this document: "I shall try immediately to draw up a Commando headed by one SS Fuehrer and consisting of four to six other SS men for the Prisoner of War Camps in that district. In case additional members are needed to enforce these measures I have to be notified immediately. I should like to point out, however, in this connection, that other Gestapo Offices in the District are not manned to such an extent that further members can be given over for these purposes."

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I should like to read one more paragraph, on page 2: "Before carrying out any executions the heads of Einsatzkommandos are to report and confer with the Chiefs of Gestapo Offices in their District or with the Commandants of the camps concerned. The executions may not be carried on inside the camp nor in the immediate vicinity of the camp. They are not to be public and are to be carried out with as little ado as possible."

COLONEL NEAVE: Do we have the number of that document?

COLONEL SMIRNOV: This is one of a series of documents all found at Kiev and they all have the same Exhibit number - USSR 14.

Q. Doesn't this prove that the Gestapo was responsible for drawing up these Einsatzkommandos and also for carrying out the mass executions?

A According to this decree the Gestapo undoubtedly had participated in it but I do not know to what extent.

COLONEL SMIRNOV: No further questions.

REDIRECT EXAMINATION

BY DR. WEISGERBER:

Q If I understood one of the questions of Major Murray correctly, the question ran as follows: "Did not the Gestapo organize the Jewish Pogrom of November 1938?" and as far as I remember the witness answered "Yes." I do not know whether the witness understood the question correctly or not and therefore I should like the witness to make another statement concerning this question.

A My answering "Yes" was a misunderstanding of the question for I was on leave at that time and therefore could not know anything about it.

Q Did you learn later that the Gestapo organized this Pogrom?

A As far as I have heard, the source of this order lay within the Ministry of Propaganda and the Party had a hand in it.

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Q Were any Einsatzgruppen used in the Polish Campaign of 1939, the French Campaign of 1940 and the Campaign of 1941?

A Yes, I believe so.

Q What was known of the activities of these Einsatzgruppe?

A I can say very little about this.

Q Had the activities of the Einsatzgruppe been learned of to this extent - that they were supposed to primarily terrorize and murder the civilian population?

A No, I don't believe so. I believe the task of these groups was to secure the lines of communication.

Q Were reports of the leaders of Einsatzgruppe in the East reported to Chiefs of Gestapo Offices inside Germany?

A No, I did not see any such reports.

Q Did you, as Inspector, regulate the employment of labor commandos from concentration camps?

A No, as far as I know, the employment of these labor commandos from the concentration camps was taken care of by the concentration camps themselves but in a way they were under the jurisdiction of the Higher SS and Police Leaders.

Q Were you, as Inspector of the Gestapo Offices, and also the Gestapo Offices, informed of the employment of labor commandos taken from concentration camps?

A No, only once did we receive an order from the Higher SS and Police Leader to check the security measures within these labor training camps, concerning the possibilities of escape, together with the Ordinary Police.

DR. WEISGERBER: No further questions.

(A recess was taken until 1400 Hours.)

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The following is a true and correct transcript of the testimony of WALTER ALBATH, take n on 11 June 1946

Alice Meehan
Reporter (pp 1-17

Mabel A. Lesser
Reporter (pp

CERTIFIED TO :

Commissioner

Commissioner

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

11 June 1946.

COMMISSIONERS:

Colonel A. M. S . Neave
M. Martin Havard

THE GESTAPO

(THE COMMISSION CONVENED AT 1000 HOURS.)

WALTER ALBATH, a witness, took the stand and testified as follows:

COLONEL NEAVE: The witness may sit down. Y ou understand that you are still under oath.

THE WITNESS: Yes.

COLONEL NEAVE: Before we have the examination of this witness continued, I would like to make an announcement regarding the witnesses that will follow. We will hear the SS witnesses mentioned on the list in the following order: H einz J oachim Graf, Felix Schieblich, Karl Ullrich, Dr. Eberhard von Thadden and Marquardt.

DR. MERKEL: If possible, I would appreciate it if we could have the transcripts a little earlier than we have in the past. The last one we received was of the 27th of M ay.

COLONEL NEAVE: Do you know which witness that was?

DR. MERKEL: I believe the last one was cross examination of the Witness Joel.

COLONEL NEAVE: I will see if this can be expedited.

BY DR. WEISGERBER:

Q Yesterday, we stopped our examination at the point of the coordinating decree. You said by reason of this coordinating decree members of the Gestapo in particular received an SS rank. How did this uniform look?

A The uniform was the SS field grade uniform with the corresponding SS insignia on the shoulder. On the lift arm, the SD insignia was affixed.

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Q Were all the people, who wore the uniform with the SD insignia on their sleeve, members of the Gestapo?

A This was by no means the case. Those people could also have been either members of the SD, the Gestapo or of the Criminal Police.

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Q Therefore, an outsider could not distinguish as to whether a person who wore the uniform with the S D insignia thereon was a member of the Gestapo, the SD or the Criminal Police?

A N o.

Q One of the tasks of the inspectors who testified yesterday said that one of the tasks of the Gestapo was the supervision of those subordinate to him. Is that correct?

A N o. He was supervised by the Criminal Police and the SD office.

Q Among other things one of their tasks was to see to it that the members of the Gestapo carried out no illegal activities.

A It was my task to see to it that the measures ordered by the Reichs Security Main Office were carried out in general, without my interferring in details that did not concern me.

Q If any officer acted against or contrary to any measures that had been issued, was he placed before a court or was any action taken against him?

A Yes, action was taken against him by the SD police authorities.

Q Do you know of any sentences that had been placed on members of offices subordinate to you?

A Yes, in 1935, four members of the executive division of the Gestapo Police office in Berlin were sentenced to long terms of imprisonment. In 1936, State Official V. Steinmeister was sentenced to seven years penal service for bribery. He was of the same office. In 194-, Fust was also sentenced to a long term of imprisonment and in the same year a man called Friedrich was sentenced to an imprisonment term for disobedience and fraud.

COLONEL NEAVE: I think that this description of the disciplinary action taken against the members of the organization

must like all the other organizations we are discussing, relate to Article 6 of the Charter. Whether or not a man was arrested for fraud in the organization does not seem to be relevant te this at all.

DR. MEISGERBER: If I understand your question correctly, you mean my questions are not relevant because the descriptive action the witness has set forth does not follow under Article 6 ?

COLONEL MELVE: I suggest that you should tell me how they do.

DR. MEISGERBER: I think that I should be allowed to show

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that action was always taken when officers in these officers carried on illegal activities, if it was shown that they had, they were punished.

COLONEL NEAVE: I say that these questions should relate to Crimes under Article 6 of the Charter and not to a matter of mere internal disciplined.

DR. WEISGERBER: Whether the activities of any organization were criminal or not is a conclusion to be drawn from the testimony given here and the proof given here, therefore, I believe that the defense must be allowed to submit proof of any steps taken for activities as defined in paragraph 6 of the order or Article 6 of the Charter.

COLONEL NEAVE: If you continue on those lines, you may go on, but they must be confined to the provisions of Article 6. I am not stopping your examination, providing the questions do relate to those crimes.

BY DR. WEISGERBER:

Q Is it true that a number of Gestapo members asked to be employed in offices outside of the Gestapo office?

A Yes.

Q Can you give any reasons for these applications or can you say why the Gestapo officers wanted to leave the Gestapo. Was it because they thought that they had seen criminal activities within the organization?

A They did not want to leave the Civil Service, they only wanted to transfer to another office. Not because the activities of the Gestapo might have been criminal, but because there were personal reasons that enduced them to do so. For example, some men did not like the frequent transfers that took place within the Gestapo, another man who might have been strongly religious, did not like the religious policy of the Gestapo and other people did not want to have the untrained personnel of the SD give them any orders or who considered themselves as competent for another office and hoped for better salaries and positions in a different state employment.

Q How were such applications handled and passed upon?

A As it was not within the scope of my authority to pass upon these applications, I passed them on to the RSHA and as far as I know all such applications were rejected. During the war, I did not pass on any such applications at all but told the applicant of the uselessness of this application.

Q The prosecution has accused the Gestapo of making use of the possibility of taking people into protective custody on a very wide scale in order to carry out its illegal objectives. What do you know about placing people under protective custody by the Gestapo Police Officers?

A These arrests were taken by reason of an order of February 28, 1933, they were on a legal basis. As far as I know political custody was also known in other European countries. The state police offices were not authorized to carry protective custody measures independently. This was the work of the RSHA. The Gestapo offices could only make a temporary arrest.

Q How were the instructions for such protective custody measures issued? Did the Gestapo office take action of its own accord, or were the arrests made by reason of reports of a third party?

A The reports and denouncements on which these arrests were based came for one part from the population, others from the police office and the state offices or party offices and also from the SD.

Q Did the Gestapo have an intelligence service of its own?

A I have to make a distinction between the intelligence service of the SD and that of the Gestapo. In the different branches of organization, the Gestapo had the so-called Dienstanfsichtsbeschwerde or confidence men or agents. On the other hand, the SD had a very wide spread corps of such confidence men that extended into the population itself. These people were also placed in the different offices of authority because the SD had to see to getting information concerning all spheres of life.

Q Were any protective custody orders issued against Jews without any apparent reason. Please distinguish between the two

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periods from 1933 to 1941 on the one hand and after 1941 on the other hand.

A Until the middle of 1941, no protective custody warrants were issued against Jews without any reason. Protective custody warrants were issued against Jews if they respassed on the orders and regulations issued concerning them. After the middle of 1941 protective custody warrants were issued against Jews by reason of the orders of RSHA in their entirety.

Q Were any orders issued to you, or to your subordinate offices, by the RSHA or Amt. 4 concerning the extermination of Jews?

A No.

Q Did the protective custody procedure preclude the possibility of a post examination?

A Yes.

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Q How?

A By means of making use of the Dienstanfsichtsbeschwerde (official supervision complaint.) There was no legal measures that might be compared to the Dienstanfsichtsbeschwerde, for example, those bound to no definite time or form, the complaint had to be handed on to the office that was mentioned in the complaint.

Q Did any such complaints ever have any success?

A Yes. Distinction has to be made between three kinds of complaints. If the person concerned had only been arrested temporarily and fi the complaint was addressed to the chief of the office, he himself could pass on it and make a decision. By reason of such complaints, I, personally had several persons released, particularly if the thing of which the person had been accused was not true. The second includes those complaints that were directed to the RSHA and where the person concerned had only been arrested temporarily and in such cases the RSHA passed the decision. The third case was if the RSHA had already ordered protective custody and then the complaint was passed on to the RSHA. The RSHA also released persons by reasons of such complaints being sent to them and in this connection, I would like to mention the Haftpriefungsverfahren and the arrest examination procedure, the examining of arrest measures. According to a decree, the offices had to check every three months on whether the protective custody arrests of certain people was still necessary and was to be continued. If the persons concerned were in a concentration camp, the commandant of the camp was asked to send a report on behalf of the person concerned and also a report on the behaviour of the inmate. A report was sent to the RSHA and they decided as to whether the arrest was to continue or not. Unfortunately very often the RSHA did not accede to the proposals made by the Gestapo concerning the release of certain prisoners and the reasons as to why this was done was not known to our offices.

COLONEL NEAVE: Does what the witness is no describing relate to the system of the whole of Germany or only to the Wehrkreis 6?

DR. WEISGERBER: The system was similar and almost the same in the whole of Germany.

COLONEL NEAVE: All right, go on.

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BY DR. WEISGERBER:

A Toward the close of the war, the RSHA restricted its checking on protective custody arrests and toward the end stopped it all together.

Q In the Prussian Order, issued February 10, 1936, Document known as 2108 PS, it says, "The Gestapo Administers the STate Concentration Camps." What can you say about that?

A I did not hear of this order until the time of my arrest. This order was never put into effect. May I add something relative to the political custody procedure? The Gestapo offices were obligated to care for the families of any persons under protective arrest insofar as their names had to be added on the NS Welfare organization. In case the arrested man was the owner of a business, a trusteeship had to be appointed so that the means and powers of income were retained. This had to be ordered in decrees issued by the RSHA.

Q As you were employed in several Gestapo offices, do you know that if within the jurisdiction of your staff offices there was a concentration camp?

A No.

Q I must assume thought that your protective custody consultants knew of the conditions in the concentration camps as depicted by the prosecution?

A It is correct that sometimes concentration camp inmates had to report to our office after their release from concentration camps and it is certain that the officers asked them concerning conditions there. The inmates pointed out to them that upon their release they were bound to secrecy. As far as I know, the inmates who reported to my officers did not give any impression of being run down, so from such a view my officers might have concluded that atrocities and cruelties did not occur.

Q Do you know of the Kugel Erlass or the Decree bullet?

A I know the order as to its contents, I don't remember whether I read it myself or not, but I heard of it in some way or other.

Q How was the decree bullet enforced in your area?

A As far as I know, not very successfully, for in such cases the

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Criminal Police Office or the Gestapo office would have to report to me, but this did not occur.

Q. I am having this Document submitted to you. It is Document 1650 PS. I want to submit this decree to the witness in order to find out if he had ever seen it before. You maintain that this decree bullet was never enforced within the scope of your jurisdiction?

A. No, I cannot say that much. I can only say that no reports were sent to me by my officers concerning the success of this decree and if this decree had had any particular success, my officers and offices would have had to report to me about this.

Q. How can you or how do you explain the term "Kugel" in the decree?

A. The RSHA used to use very peculiar terms merely as a code name. I did not bother myself particularly about the term "Kugel" in this decree.

Q. Do you know of the Kommando decree?

A. Yes.

Q. Please turn to No. 69 in the Document book, Document 553 PS.

A. Yes, I have it.

Q. Look at this decree briefly and tell us whether you know this decree or not.

A. I know its contents. I believe I heard of it on the radio. I don't believe that the Gestapo or myself ever received it in this form.

Q. How was this Kommando Decree enforced in your area?

A. It was not enforced at all, because we did not take any such prisoners in our district and such troops were not handed over to us by the army.

Q. I have three more questions, then will conclude.

Is it true that political officers reproached the Gestapo officers for being too bureaucratic, too lame and that they were no good?

A. Yes, this was frequently the case. The Gestapo was very often reproached in this fashion by Gauleiters, Kreisleiters, police leaders of the SS and by the SD.

Q. Did any of your officers and employees hadn in any complaints concerning the fact that they were being asked to carry out illegal activities?

A. There were sometimes complaints by my employees concerning the so-called big boss system within our office and also in the opinion of the employees and the officers. As far as I know these complaints were within the area. Of course, in this connection, I have to point out that by reason of their work the officers noticed very many mal-conditions within the party, and I, myself, was very often put out about this. Although complaints were

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sent to the RSHA in Berlin, no action was taken.

Q. In conclusion, might I summarize your testimony this way: that membership in the Gestapo was neither in general voluntary nor their activities in general - criminal.

MR. MONNERAY: I object to this question, as I think this is to be settled by the Tribunal and not by the witness.

COLONEL NEAVE: The witness cannot judge whether the activities are criminal.

DR. WEISGERBER: I meant to confine myself to the members of the Gestapo office subordinate to the witness.

COLONEL NEAVE: Please repeat the question.

DR. WEISGERBER: The question, as I summarized the testimony, was might I say that the members of the Gestapo in the office subordinate to you were in general not voluntary employees and civil servants?

THE WITNESS: Yes, I wanted to say that one could not speak of a general voluntary membership in the Gestapo.

DR. WEISGERBER: You further wanted to say that the activities of the officers and employees subordinate to you were by no means criminal activities?

MR. MONNERAY: I believe that the question could be framed so that the witness could say he did not believe his activities or the activities of the offices under him were criminal.

DR. WEISGERBER: You mean to say that the tasks and activities of the employees and officers in the offices subordinate to you were entirely free and could not be considered as criminal?

THE WITNESS: Yes.

DR. WEISGERBER: No further questions.

(THE COMMISSION RECESSED FOR TEN MINUTES)

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CROSS-EXAMINATION

BY MAJOR MURRAY:

Q. As I understand it, it was your duty to see that the Decrees of the Reich Security Main Office were carried out in the area of which you were the Inspector. Is that correct?

A. I personally only had to see to matters concerned with organization. Solving the other tasks and duties was the work of the different offices.

Q. But you were Inspector and it was your duty to see that the officers under you were carrying out the Decrees of the Reich Security Main Office, isn't that right?

A. Yes, that is true. I had a general official scope of jurisdiction to see to it that the Decrees or Orders of the RSHA were carried out.

Q. It was your duty, therefore, to see that the Gestapo in your area carried out the investigations of the Prisoner of War Camps to determine which prisoners of war were not racially or politically acceptable and to be executed, isn't that correct?

A. As far as I know there were no such departments or commissions in the Prisoner of War Camps within my jurisdiction. As far as I know this was true only of the Prisoner of War Camps in the East.

Q. There were Prisoner of War Camps in your District were there not?

A. Yes.

Q. And that order, with which you are familiar, applied to all Prisoner of War Camps, did it not?

A. I did not receive this order nor did I have to enforce it. The only thing I had to do when I was still in Koenigsburg was to send one of my officials to Berlin to a conference concerning this question.

Q. You did know about the Order then, didn't you?

A. No, I didn't know of it in detail. I was only told to send one of my officials to Berlin. What happened in Berlin and what instructions were given there, I do not know. This took place in the Summer or Autumn of 1941.

Q. You know of course, do you not, that that was a General Order, dated

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17 July 1941, and went to all Gestapo Headquarters, of which you were one?

A. I can only repeat what I said just now. I know no definite details concerning the carrying out of this Order.

Q. But that was an important Order wasn't it?

A. Yes.

Q. And you, as Inspector, would certainly know about all the important Orders, wouldn't you?

A. I was not Inspector at that time. At Koenigsberg I was Chief of the Gestapo Office, and when I arrived at Dusseldorf there was no such order there.

Q. Where were you in November 1938?

A. I was in Coblenz at that time.

Q. You were Chief of the Gestapo in Coblenz at that time, weren't you?

A. I was Deputy of the Chief of the Gestapo Office at Coblenz.

Q. I understood you to tell us this morning that no Jews were taken into custody until 1941 except for good reasons, is that correct?

A. Yes.

Q. After 1941 you took Jews into custody without any reason whatsoever, is that true?

A. An order was issued by the RSHA that certain Jews belonging to certain categories were to be collected and transported to a certain destination.

Q. You were in Coblenz at the time of the Jewish Pogrom in November 1938, is that right?

A. No. On the 2nd of November I married and was on leave of absence for a long time.

Q. How long was that leave of absence?

A. About three weeks.

Q. In any event you knew that the Gestapo in Coblenz received orders to organize that Pogrom, did you not?

A. No. I went on leave a few days before my marriage and at that time there was no such order in my office.

Q. You know it now, don't you?

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A. Yes.

Q. You know, don't you, that that order from Mueller stated that 20,000 to 30,000 Jews were to be seized and that they were particularly to be wealthy Jews. Is that what you considered a good reason for arresting Jews?

A. I can't say anything about this because after my leave had expired I was sent to Elbing as Chief of Office and no arrests of Jews had taken place in Elbing.

Q. There were concentration Camps in your area, were there not?

A. No.

Q. Not any in that entire Area?

A. Not in Wehrkreis 6.

Q. In your position with the SD, the Criminal Police and the Gestapo you were familiar with the activities of the Einsatzgruppen in the Eastern Occupied Territories, were you not?

A. Not at all. I had no connection with these Einsatzgruppen except that certain members of my staff had been commandeered to be members of Einsatzgruppen.

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Q. So that you know that the Einsatzgruppen existed?

A. Yes.

Q. When did you first learn of them - about 1941 was it?

A. Yes, I know that such Einsatzgruppen existed when I left Koenigsberg and from Duesseldorf afterwards also officials had been commandeered to Einsatzgruppen.

Q. So that you know from 1941 on that these Einsatzgruppen did exist?

A. Yes.

Q. And all of the other persons in the Gestapo know about the existence of these Einsatzgruppen, did they not?

A. The majority did, yes.

Q. The majority did. And you still continued to stay in the Gestapo and not object to the activities of these Groups?

A. I had no possibility of leaving the Gestapo, and furthermore, I did not know what activities the Einsatzgruppen carried out.

MAJOR MURRAY: I have no further questions.

BY M. MONNERAY:

Q. I have a few questions; first, about the Concentration Camps in Wehrkreis 6. Were you in Duesseldorf in 1944?

A. Yes.

Q. And you were Inspector of the Sipo and SD in Duesseldorf?

A. Yes.

Q. You maintain that you had no camps at all with foreign workers, no camps with internees, in your area?

A. I only knoew of the instance of such foreign labor camps with concentration campsinmates to the extent that there was a liaison officer who recruited manpower (workmen) for the industrial firms.

Q. Did you in your area have any Arbeitslager (Work Camps)?

A. Yes, two.

Q. And did you know where the internees of thos Work Camps came from?

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A. Yes. They were work shirkers who had been arrested by the Criminal Police and State Police and had been entered into such a camp for a period of 52 days.

Q. Were there also internees from concentration camps detached into Work Camps in your area?

A. No.

Q. Do you know you are testifying under oath?

A. Yes. As far as I know in the labor training camps in Essen-Muhlcim, there were no concentration camp inmates. The Gestapo offices under whose jurisdiction these camps were, ought to be able to give more definite information.

Q. Do you remember that you requested reports from your different Gestapo Service Offices about the security measures to be taken against the internees of work camps who came from the different concentration camps, such as Buchenwald?

A. As far as I know I have to repeat again that no concentration camp inmates were detached into labor training camps.

Q. Do you remember a Work Camp at Essen Schwarzepoth 13?

A. It is not known to me.

Q. May I show you a letter sent by the Gestapo Office at Dusseldorf, 13 July 1944, to the Inspector of the Sipo and the S D in Dusseldorf - you were the Inspector at that time - and in this letter it is said: "According to the mission we received the checking up of the different work camps and the concentration camps in our area has been carried out", and after that the letter mentions the Work Camp at Essen-Schwarzepoth 13, which is an intermediate camp of the concentration camp of Buchenwald, with 150 internees (90 Russians, 40 Poles, a few Frenchman, Dutch, and so on). This is document 1063-PS, and I will show you this letter so that you can read the text.

(The document was handed to the witness, who read the letter). Do you remember this letter?

A. Yes.

Q. Are you always telling the truth to the same extent as you did just now when you are under oath?

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A. Yes. I did not tell an untruth. I only said that in my area, there were no concentration camps. These camps were labor camps which in detail were subordinate to Higher SS Offices. May I add something? This letter bears the following background....

Q. I did not ask you about the background of this letter. I just wanted to check on the credibility of your testimony. You were aware of what was going on in the concentration camps, weren't you?

A. No. I only learned of what went on there to the extent that I did, from the film we saw in this building.

Q. You told us that the Gestapo had nothing to do with the administration of concentration camps, didn't you?

A. Yes.

Q. But your offices knew when they arrested people, that those people had to be sent to concentration camps, didn't they?

A. Yes, if RSHA had given a corresponding order.

Q. Had the Gestapo offices on their own authority, the administration of work camps?

A. Yes, labor training camps.

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Q For how long could people be put into those Educational Work Camps?

A The regulation was that they should be sent into these camps for 56 days because they had shirked work.

Q And after that?

A They were released unless RSHA ordered concentration camp internment for a certain individual or individuals so that they had to be transferred to a concentration camp.

Q Didn't you receive an order from the RSHA asking you to send into the concentration camps all those workers who were in the Educational Labor Camps?

A Yes. One day an order was issued saying that concentration camps were to be replenished for armament work purposes and that the Labor Education Camps had to tranfer their inmates to concentration camps for this reason.

Q Do you remember the date of this order?

A I believe the date was 1943.

Q Could it be also 1942? Would you accept that date if I showed you the order?

A I do not know exactly.

Q How long were the Educational Work Camps in operation? Until the en

A Until Germany's collapse.

Q And the order asking you to make selection among the internees of the Educational Work Camps was also in operation until the end of the war, wasn't it?

A Do you mean that no more inmates were to be released from the Educational Labor Camps?

Q Yes.

A No, that was not the case. This was true for the following reason: That the very large numbers of people arrested for shirking work necessitated there being constant releases of these people; otherwise there would not have been sufficient room for them in the camps.

Q When you say that you made no selection afterwards in the work camps for concentration camps that means after 1942?

A Not that I know of but beginning with 1943 I was no longer head of

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the Gestapo Office. I became an Inspector and therefore was not informed as to these details.

Q But wasn't it just the purpose of this order of 1942 to make the selection between the different workers to be sent to the concentration camps to give as many as possible workers to the German War Industry?

A As far as I know this action was a one-time action only, in order to fill up concentration camps, and I don't believe that this measure was repeated afterwards.

Q Did you receive an order of the RSHA ordering that no judicial trial would any longer be held against Poles, Jews and gypsies?

A Yes.

Q Did you consider this order as a legal order, within the scope of the German Law?

A Yes, because the Minister of Justice said to the Chiefs of the Security Police and SD that these trials that had formerly been held before German Courts would now be held by the Police Authorities.

Q And how did the Police Authorities hold these trials?

A If the conditions of the Decree were fulfilled concerning a certain case, then the RSHA was informed and the RSHA passed its decision on the case.

Q Your offices did not make any decision directly?

A Not as far as I know. Yes, towards the end of the war they were authorized to make decisions independently, where Poles and East workers were concerned.

Q As a matter of fact, what was the decision?

A The persons concerned were hanged when the conditions were fulfilled, or they were transferred to a concentration camp. That is as far as I remember the Decree.

Q Was there any trial before?

A The accused person had to be interrogated beforehand in detail, witnesses that he mentioned had to be interrogated, all other conditions of a pure criminal nature had to be fulfilled, so that the person concerned could be considered as having been convicted (found guilty) of his crime.

Q Did your investigation take into account the personal motives of the

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defendant?

A I do not know what you mean by "personal motives".

Q If he had personal criminal intention, for instance, or whether there were any mitigating circumstances?

A Yes, that had to be taken into consideration.

Q Just to show you how correct your testimony is, I will read you just a part of the Document L-316, USA Exhibit 346: "In adjudicating a punishable offence committed by a Pole the same views therefore still obtain in principle as hold good in adjudicating a German. That is, the judge takes the person of the offender as his starting point and tries by a thorough valuation of the offender's personal motives to find an expiation for the deed in accordance with the interests of the peoples' community. Such considerations which may be right for adjudicating a punishable offence

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committed by a German, are, however, wrong for adjulucating a punishable offence committed by a person of alien race. In case of a punishable offence committed by a person of alien race, the personal motives activating the offender must be completely eliminated. The only standard may be that the German Civil Order is endangered by his action and that consequently preventative measures must be taken to prevent the recurrence of such acts."

Would you like to have a look at this document.

(The witness examines the document.)

A I know this document. I should like to say concerning this that in practice the enforcement of this Degree was not possible as provided in the Decree. May I give you an example?

Q I do not think that is necessary. You told us that as to arrests of Jew it was not necessary to have a special order coming from the RSHA after a certain date, isn't that so?

A Yes but this was not an individual order. It was a so-called collective order stating that all Jews of a certain age group were to be arrested and transported to certain places.

Q Could you tell me whether there were other groups it was possible to arrest without individual authority coming from the RSHA.

A I am sorry, I do not think I quite understood the question.

Q Apart from the Jews, which other groups of people could be arrested en bloc without special authority coming from the RSHA?

A The order was that people living in mixed marriages, that is an Aryan married to a Jew, and so on. . .

Q I leave now the question of Jews. I mean were there other groups outside of the Jewish groups?

A Yes, I don't quite remember the date, it must have been 1943 or 1944, a collective order was issued saying that social democratfactionaries and other persons endangering the security of the State and those known to be political enemies of the State were to be arrested.

Q So the Offices of the Police could arrest everybody they considered as being dangerous to the State?

A As far as they were included in the groups that I have just mentioned, yes, and as far as they were considered dangerous for the security of the State.

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Q Who qualified the dangerous character of somebody?

A The Police Offices had known for some time who these people were and in most cases files concerning these people were in the Police Offices.

Q You did say yesterday your mission, your task, as an Inspector of the SIPO and SD consisted in coordinating the different branches of SIPO and SD, didn't you?

A Yes.

Q Practically, how did you coordinate the offices of the Gestapo and the SD

A That was difficult. For one reason because the Gestapo was a Civil Service Organization and the SD was a Party Organization. If difficulties arose concerning the cooperation of these two offices I first suggested to the Chiefs of these offices that they discuss their problems and to try to get rid of their difficulties. If this was not possible I told them to refer first to me, not to report immediately to the RSHA because if they had done so the impression would be brought about that they were working against each other and not cooperating.

Q Could you tell us how the SIPO and SD ought to have cooperated one with the other?

COLONEL NEAVE: Mr. Monneray, what do you mean "ought to have cooperated?"

M.MONNERAY: According to the general plan of the RSHA

COLONEL NEAVE: Did he deal with this in direct examination - I mean the organization side?

M. MONNERAY: The witness told us that he was inspector of SIPO and SD and that his mission consisted in coordinating both organizations so I think it would be interesting to know according to which directive he had coordinated both organizations.

COLONEL NEAVE: All right.

BY M. MONNERAY:

A According to Heydrich, who was the founder of the SD, he said that the SD was supposed to be the General Staff and that the Gestapo was to be considere the fighting troops. If reports and announcements were handed from the SD to the Gestapo Offices these reports were at first not very authoriative and this of course could be explained by the fact that in the SD were no trained criminal investigators and if the Gestapo could not take any action because these reports

Lesser

were not authoritative, the SD was put out about this and thought that the Gestapo did not want to take any action. On the other hand the Gestapo was annoyed because the SD Passes judgement on Gestapo officials who had been trained, while the SD officials had not been trained in Police matters. Of course there were also offices where the cooperation was a very agreeable one.

Q Were any members of the SD at the same time members of the Gestapo?

A The expression "member" is not quite correct. Some of them had been

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commandeered to the Gestapo offices on special fields, for example Church and State matters.

Q. But how could the SD members make reports on the general attitude of your officials?

A. I don't know whether this was carried out until the very end but for quite a time one of the missions of the SD was to pass judgment on the political attitude and behavior of Gestapo officials. I know that reports were sent to Berlin concerning myself and my officials.

Q. Did you receive the reports of the SD?

A. No.

Q. I do not mean about personal matters but concerning general police matters?

A. Yes, in the majority of cases the SD sent the reports, which were also sent to the RSHA, to me, but it was left to the discretion of the SD officials to send reports direct to Berlin without sending them to me in many cases.

Q. Do you know whether the same coordination that existed on your level existed also in Berlin between the SIPO and SD?

A. I know very little about this.

MR. MONNERAY: I have no further questions.

BY COLONEL SMIRNOV:

Q. If I understood you correctly, the Gestapo had nothing in common with the mal-conditions and the atrocities committed in the concentration camps?

A. No.

Q. Is that certain?

A. This is shown by the fact alone that no officials and employees of the Gestapo were commandeered to concentration camps. I do know, however, that in some of the nearby Gestapo Offices, one or two officials were ordered to concentration camps as interrogation officers.

Q. Did the Gestapo carry out any mass executions in the concentration camps?

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A. I cannot say anything about this because this was not true of my district.

Q. Do you know anything of Heydrich's Secret Orders No. 14 and No. 8.

A. I do not know them. Perhaps if you would show them to me.

Q. I believe that you know that within the RSHA the Gestapo was known as Amt 4. These documents were found in Kiev and this document has already been submitted by the Soviet Prosecution, USSR No. 14. Can you tell us whether this order was issued in Amt 4? (Document shown to witness.)

A. Yes, it has the file number of Amt 4.

Q. And the First Consultant's Division is mentioned. I believe you remember what the First Consultant's Division means?

A. I am sorry but I do not know the formation of the RSHA that exactly.

Q. Will you please turn to the last page and look at the Distributor which shows to which departments this order was to be sent: Einsatzgruppe Ia and Ib, Sonderkommando of the Einsatzgruppe C and D, etc. Would you please notice that this order was sent to a great many departments and do you say that the Gestapo had nothing in common with the execution of inmates of prisoner of war camps when this order was sent to all the Gestapo Offices and issued by those offices?

DR. WEISGERBER: I should like to have the question discussed as to whether witness is considered competent to testify concerning this question because he neither held an office in RSHA nor was he ever a member of an Einsatzgruppe nor was he ever in a prisoner of war camp.

COLONEL NEAVE: I think attention has already been called to the fact that Amt 4 is on the distribution list of this document.

DR. WEISGERBER: But the witness himself has never been a member of Amt 4

COLONEL NEAVE: I think we will continue the cross-examination.

BY COLONEL SMIRNOV:

Q. Will you please look at another document which was also found at the same time, Einsatzbefehl 8, and turn to page 3. Mention is made here of who was in charge of the Einsatzkommandos in these different camps and who

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carried on the action between them. Do you know Kriminalrat Schiffer?

A. Only by hearsay.

Q. But he was a member of the Gestapo wasn't he?

A. The large number of members of the Gestapo did not make it possible for me to know everyone personally.

Q. Did you know Kriminalkommissar Raschwitz?

A. No.

Q. Will you please turn your attention to who received this Order No. 8? Among others this order was sent to the Chief of the Security Police and SD in Krakau, Konigsberg, Tilsit, Allenstein and Stettin. Does not this prove that the Gestapo carried out all these mass executions?

A. I do not know to what extent this order was carried out.

Q. I should like to cite a paragraph from this document: "I shall try immediately to draw up a Commando headed by one SS Fuehrer and consisting of four to six other SS men for the Prisoner of War Camps in that district. In case additional members are needed to enforce these measures I have to be notified immediately. I should like to point out, however, in this connection that other Gestapo Offices in the District are not manned to such an extent that further members can be given over for these purposes."

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I should like to read one more paragraph, on page 2: "Before carrying out any executions, the heads of Einsatzkommandos are to report and confer with the Chiefs of Gestapo Offices in their District, or with the Commandants of the camps concerned. They executions may not be carried on inside the camp nor in the immediate vicinity of the camp. They are not to be public, and are to be carried out with as little ado as possible".

COLONEL MEAVE: Do we have the number of that document?

COLONEL SMIRNOV: This is one of a series of documents, all found at Kiev, and they all have the same Exhibit number, USSR 14.

Q. Doesn't this prove that the Gestapo was responsible for drawing up these Einsatzkommandos, and also for carrying out the mass executions?

A. According to this decree, the Gestapo undoubtedly had participated in it, but I do now know to what extent.

COLONEL SMIRNOV: No further questions.

REDIRECT EXAMINATION

BY DR. WEISBERGER:

Q. If I understood one of the question of Major Murray correctly, the question ran as follows: "Did not the Gestapo organize the Jewish Pogrom of November 1938?" and as far as I remember, the witness answered "Yes". I do not know whether the witness understood the question correctly or not, and therefore, I should like the witness to make another statement concerning this question.

A. My answering "Yes" was a misunderstanding of the question, for I was on leave at that time, and therefore could not know anything about it.

Q. Did you learn later that the Gestapo organized this Pogrom?

A. As far as I have heard, the source of this order lay within the Ministry of Propaganda, and the Party had a hand in it.

Q. Were any Einsatzgruppen used in the Polish Campaign of 1939, the French Campaign of 1940, and the Campaign of 1941?

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A. Yes, I believe so.

Q. What was known of the activities of these Einsatzgruppe?

A. I can say very little about this.

Q. Had the activities of the Einsatzgruppe been learned of to this extent - that they were supposed to primarily terrorize and murder the civilian population?

A. No, I don't believe so. I believe the task of these groups was to secure the lines of communication.

Q. Were reports of the leaders of Einsatzgruppe in the East reported to Chiefs of Gestapo Offices inside Germany?

A. No, I did not see any such reports.

Q. Did you, as Inspector, regulate the employment of labor commandos from concentration camps?

A. No, as far as I know, the employment of these labor commandos from the concentration camps was taken care of by the concentration camps themselves, but in a way they were under the jurisdiction of the Higher SS and Police Leaders.

Q. Were you, as Inspector of the Gestapo Offices, and also the Gestapo Offices, informed of the employment of labor commandos taken from concentration camps?

A. No, only once did we receive an order from the Higher SS and Police Leader to check the security measures within these labor training camps, concerning the possibilities of escape, together with the ordinary police.

DR. WEISBERGER: No further questions.

(A recess was taken until 1400 hours).

The following is a true and correct transcript of the testimony of WALTER ALBATH, taken on 11 June 1946.

ALICE KEEHAN
Reporter,

ISABEL A. LESSER
Reporter

CERTIFIED TO:

A.M.S. NEAVE
Commissioner.

H0947-0060

Amtliche Niederschrift der Zeugenaussagen ueber angeklagte Organisationen, vor der vom Internationalen Militaergerichtshof, am 13. Maerz 1946, gemaess Paragraph 4, ernannten Kommission.

Dienstag, den 11. Juni 1946 - 10.00 Uhr vormittags.

Beauftragte: Col.A.M.S. Neave
Mr.Martin Harvard

Organisation:Gestapo
(Zeuge Walter Albath-Gestapo)

Colonel Neave: Zeuge, Sie duerfen sich setzen; ich erinnere Sie daran, dass Sie noch unter Eid sind.

Der Zeuge: Ja.

Colonel Neave: Bevor wir mit dem Verhoer dieses Zeugen fortfahren, moechte ich eine Erklaerung, die Zeugen betreffend, geben. Die SS-Zeugen werden in der folgenden Reihenfolge verhoert werden : Heinz Joachim Graf, Felix Schieblich, Karl Ullrich, Dr.Eberhard von Thadden und Marquardt.

Dr.Merkel, wollen Sie eine Bemerkung hierzu machen ?

Dr.Merkel: Prinzipell haette ich gebeten, dass die Protokolle rascher kommen. Wir haben das letzte Protokoll vom 27.5., seither haben wir keines mehr bekommen.

Colonel Neave: Wissen Sie, welcher Zeuge das war ?

Dr.Merkel: Ich glaube, das war das Kreuzverhoer von Joel.

Colonel Neave: Ich werde mein Moeglichstes tun, um zu erreichen, dass dies beschleunigt wird. Ich bin auch der Ansicht, dass es zu lange dauert.

Dr.Weisgerber wollen Sie fortfahren ?

Dr.Weissgerber: Wir waren gestern bei dem Angleichungserlass stehen geblieben.

F: Sie sagten, dass auf Grund des Angleichungserlasses Angehoerige der Gestapo zum Teil einen SS-Dienstgrad erhielten. Wie sahen diese Uniformen aus ?

A: Sie war eine feldgraue SS-Unifern mit entsprechenden Rangabzeichen auf den Schultern und hatte die SD-Raute am linken Aermel.

F: Waren alle Uniformierte mit der SD-Raute am Aermel Angehoerige der Gestapo?

A: Das war keineswegs der Fall, denn sie konnten sowohl Angehoerige des Sicherheitsdienstes, der Staatspolizei, als auch der Kriminalpolizei sein.

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F: Fuer einen Aussenstehenden war es somit nicht moeglich gewesen, zu unterscheiden, ob ein Uniformtraeger mit der SD-Raute ein Angehoeriger der Gestapo, der Kripo oder des DS war ?

A: Nein.

F: Die Aufgabe des Inspekteurs bestand, wie Sie gestern sagten, unter anderem in der Ueberwachung der nachgeordneten Gestapostellen.

A: Nein, sie bestand auch in der Ueberwachung der Kriminalpolizei und des Sicherheitsdienstes.

F: Sie hatten jedenfalls unter anderem die Aufgabe zu ueberwachen, dass die Angehoerige der Gestapo keine ungesetzlichen Massnahmen durchfuehrten ?

A: Ich hatte darauf zu achten, dass sie die Massnahmen, die durch das Reichssicherheitshauptamt angeordnet wurden, im grossen und ganzen durchfuehrten, ohne mich dabei in Einzelheiten einzumischen, was mir nicht zustand.

F: Wenn nun ein Beamter gegen irgendwelche gesetzlichen Bestimmungen oder Verordnungen zuwiderhandelte, wurde dann irgend ein Verfahren gegen ihn eingeleitet ?

A: Jawohl. Es wurde ein Verfahren bei der SD-Polizei eingeleitet.

F: Sind Ihnen aus Ihrer Taetigkeit irgendwelche Urteile Angehoeriger unterstellter Dienststellen bekannt ?

A: Jawohl, und zwar wurden 1935 bei der Staatspolizei Berlin vier Beamter der Exekutive zu laen eren Freiheitsstrafen wegen Misshandlung von Gefangenen verurteilt.

Dann wurden 1936 der Staatsbeamte V.Steinmeister, bei derselben Dienststelle zu 7 Jahren Zuchthaus verurteilt wegen Bestechung; bei meiner Dienststelle in Koenigsberg wurde 1940 der Kriminalsekretaer Pust wegen Gefangenen-Misshandlung ebenfalls zu einer laen eren Freiheitsstrafe verurteilt. Im gleichen Jahre wurde ein sogenannter Friedrich bei derselben Dienststelle wegen Ungehorsam und Betrug zu einer Freiheitsstrafe.

Colonel Neave: Ich denke, dass diese Beschreibung der Disziplinarverfahren gegen die Mitglieder der Organisation, wie alle anderen Organisationen, die wir hier besprechen, sich auf den Artikel 6 des Statuts beziehen muessen, ob jemand in der Organisation wegen Betrug in Haft genommen wurde, oder nicht,

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scheint keineswegs von Belang in diesem Zusammenhang.

Dr.Weissgerber: Wenn ich richtig verstanden habe, sollen meine Fragen deswegen unerheblich sein, weil die Faelle, die der Zeuge angegeben hat, nicht unter Paragraph 6, Ziffer 1 der Bekanntmachung fallen.

Colonel Neave: Ich schlage vor, dass Sie mir sagen wieso das der Fall ist.

Dr.Weissgerber: Es muss mir aber auch erlaubt sein, den Nachweis zu fuehren, dass die Vorgesetzten der Gestapo-Angehoerigen von jeher darauf gesehen haben, dass keine ungesetzlichen Massnahmen von den Beamten durchgefuehrt wurden, und wenn solche ausgefuehrt wurden, dann muss ich den Nachweis fuehren koennen, dass Beamte deswegen bestraft wurden.

Colonel Neave: Ich sagte, dass diese sogenannten verbrecherischen Taetigkeiten sich auf Verbrechen unter Artikel 6 des Statuts beziehen muessen, und nicht nur reine interne Disziplin Sachen darstellen.

Dr.Weissgerber: Ob die Taetigkeit der Organisation verbrecherisch war oder nicht, ist ja eine Schlussfolgerung aus all den Tatsachen, die hier bewiesen werden, oder nicht bewiesen werden. Deshalb muss es nach meiner Ansicht der Verteidigung gestattet sein, die Taetigkeit der Organisation auf die in Paragraph 6 ausdruecklich darauf hingewiesen wird, hier vollstaendig und genau darzulegen.

Colonel Neave: Wenn Sie auf diese Weise fortfahren, dass diese ungesetzlichen Taetigkeiten spaeter dahin fuehren werden, dann koennen Sie das Verhoer fortsetzen, aber es muss dann auch im Rahmen des Paragraph 6 gehalten werden. Wenn die Aussagen sich auf diese Verbrechen beziehen, dann werde ich natuerlich Ihr Verhoer nicht unterbrechen.

Dr.Weissgerber: Ist es richtig, dass eine gewisse Anzahl von Gestapo-Angehoerigen, um ihre Verwendung ausserhalb der Gestapo nachgesucht haben ?

A: Jawohl.

F: Koennen Sie Gruende fuer diese Gesuche anfuehren, insbesondere ist es richtig, dass diese Beamten deshalb aus der Gestapo austreten wollten, weil sie das Verbrecherische dieser Organisation erkannt haben ?

A: Sie wollten aus dem Staatsdienst nicht austreten, sondern nur versetzt werden in andere Dienststellen und dies nicht darum, weil die Taetigkeit der Geheimen Staatspolizei verbrecherisch gewesen waere, sondern weil persoenliche Wuensche

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fuer sie massgebend waren. Dem einen gefiel nicht die haeufige Versetzung bei der Geheimen Staatspolizei, dem anderen der stark religioes eingestellt war, gefiel die Politik des Staatswesen der Kirche gegenueber ueberhaupt nicht. Weitere willten nicht durch die ungeschulten Kraefte des Sicherheitsdienstes als Fachbeamte beurteilt werden, um dadurch in ihrer Befoerderung gehindert zu werden. Andere wieder erhofften eine bessere Bezahlung in einer anderen Dienststelle.

F: Wie wurden derartige Gesuche behandelt und entschieden ?

A: Da ich selbst nicht zustaendig war, ueber solche Gesuche zu entscheiden, gab ich sie an das RSHA weiter, von welchem sie in allen, mir bekannt gewordenen Faellen abgelehnt wurden. Waehrend des Krieges gab ich solche Gesuche ueberhaupt nicht mehr weiter, sondern eroeffnete muendlich den Gesuchstellern die Zwecklosigkeit.

F: Die Anklage wirft der Gestapo vor, sie habe von der Moeglichkeit der Verhaengung von Schutzhaft in starkem Masse Gebrauch gemacht, um ihre ungesetzlichen Ziele durchzusetzen.

Was ist Ihnen ueber die Verhaengung der Schutzhaft durch die Staatspolizeistellen bekannt ?

A: Es handelte sich um eine gesetzliche Massnahme auf Grund der Verordnung vom 28. Februar 1933.

Meines Wissens war die politische Haft auch in anderen europaeischen Laendern nicht unbekannt. Die Staatspolizeistellen waren nicht befugt, selbststaendig Schutzhaft zu verhaengen, sondern dafuer war das Reichssicherheitshauptamt zustaendig. Die Staatspolizeistellen konnten nur eine voruebergehende, vorlaeufige Festnahme selbstaendig taetigen.

F: Wie wurden derartige Schutzhaftverfahren ueberhaupt veranlasst ? Wurde die Staatspolizei aus eigener Initiative taetig, oder wurden derartige Verfahren durch Anzeigen Dritter veranlasst ?

A: Die Anzeigen, die einer solchen Schutzhaft zu Grunde lagen, kamen zum Teil aus der Bevoelkerung, zum Teil aus Dienststellen der Polizei, der Partei und des Staates, sowie auch vom Reichssicherheitsdienst.

F: Hatte die Gestapo einen eigenen Nachrichtendienst ?

A: Ich muss unterscheiden zwischen dem Nachrichtendienst des SD und dem Nachrichtendienst der Geheimen Staatspolizei.

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Die Geheime Staatspolizei hatte auf den verschiedenen Arbeitsgebieten sogenannte Vertrauensleute. Demgegenueber hatte der Sicherheitsdienst ein weit in die Bevoelkerung hinein ausgedehntes Netz von Vertrauensleuten. Insbesondere auch unter den Angehoerigen der verschiedensten Behoerden, weil ihnen die Berichterstattung auf allen Lebensgebieten oblag.

F: Wurden Schutzhaftverfahren ohne Vorliegen besonderer Gruende gegen Juden angestellt, wobei zu unterscheiden ist, erstens fuer die Zeit von 1933 bis 1941, und zweitens fuer die Zeit nach 1941?

A: Bis Mitte 1941 wurden Schutzhaftverfahren gegen Juden nicht ohne Grund ausgestellt. Es wurden nur Schutzhaftbefehle ausgestellt, wenn diese Juden die gegen sie erlassenen Bestimmungen uebertreten hatten.

Ab Mitte 1941 wurden Schutzhaftbefehle gegen Juden auf Grund der Erlasse des RSHA in der Gesamtheit erlassen.

F: Ist Ihnen und den Ihnen unterstellten Dienststellen jemals ein Befehl oder ein Erlass des RSHA, oder des Amtes IV zugegangen, der die Vernichtung der Juden zum Inhalt hatte ?

A: Nein.

F: Bestand im Schutzverfahren die Moeglichkeit einer Nachpruefung ?

A: Jawohl.

F: In welcher Form ?

A: In der Form der Dienst-Aufsichtsbeschwerde.

Colonel Neave: Wuerden Sie bitte das Wort "Dienst-Aufsichtsbeschwerde" erklaeren ?

Zeuge: Die Dienst-Aufsichtsbeschwerde war kein Rechtsmittel, das mit dem der Gerichte vergleichbar waere. Sie war an keine Frist und an keine besondere Form gebunden. Sie musste an die zustaendige Dienststelle weitergegeben werden, die in der Beschwerde bezeichnet war.

Dr.Weissgerber :

F: Hatten derartige Dienst-Aufsichtsbeschwerden jemals einen Erfolg ?

A: Jawohl, man muss da drei Faelle unterscheiden. War die betroffende Person nur vorlaeufig festgenommen und war die Beschwerde an den Dienststellenleiter gerichtet, so konnte dieser darueber entscheiden. Ich habe selbst verschiedentlich auf Grund solcher Beschwerden die Freilassung von Personen angeordnet, wo insbesondere die Anschuldigung nicht bewiesen war.

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Der zweite Fall betrifft diejenigen Vorgaenge, in denen die Beschwerden an das RSHA gerichtet waren und die Personen auch nur voruebergehend festgenommen wurden. In diesem Fall entschied das RSHA.

Im dritten Fall, wo vom RSHA schon Schutzhaft angeordnet war, wurde die Beschwerde an das RSHA weitergegeben. Das RSHA hat auch Faelle auf Grund solcher Beschwerden in einer Freilassung entschieden. In diesem Zusammenhang darf ich vielleicht noch das Haftpruefungsverfahren bei der Schutzhaft erwähnen. Nach einem Erlass waren die Dienststellen verpflichtet, vierteljaehrlich nachzupruefen, ob die Andauer der Haft noch notwendig war. Wenn die betreffenden Personen sich in Konzentrationslagern befanden, wurde vom Lagerkommandanten des Konzentrationslagers zunaechst ein Fuehrungszeugnis angefordert. Zusammen mit diesem Fuehrungsbericht wurde an das RSHA berichtet. Dieses entschied dann, ob die Haft fortdauern sollte, oder nicht. Leider wurde oft den Vorschlaegen der Staatspolizeistellen auf Freilassung vom RSHA beigetreten. Dieses geschah aus Gesichtspunkten, die uns bei den Dienststellen nicht bekannt waren.

Colonel Neave: Ich moechte gerne eine Frage stellen. Was der Zeuge jetzt beschreibt, bezieht sich auf das System in ganz Deutschland oder nur auf den Wehrkreis VI ?

Dr.Weissgerber: Das ist das Verfahren, das sowohl im Wehrkreis VI, als auch in ganz Deutschland ueblich war.

Col.Neave: Gut, fahren Sie fort.

Zeuge: Waehrend der letzten Kriegszeit wurden vom RSHA die Haftpruefungsverfahren eingeschraenkt und meines Wissens spaeter ganz unterlassen.

Dr.Weissgerber: In der preussischen Verordnung vom 10. Februar 1936 heisst es:" Das Geheime Staatspolizeiamt verwaltet die staatlichen Konzentrationslager." Es ist dies Dokument PS-2108.

F: Was koennen Sie dazu sagen ?

A: Ich habe erst waehrend meiner Haftzeit von dieser Bestimmung Kenntnis erhalten. Diese Bestimmung ist niemals in die Praxis umgesetzt worden.

Verzeihung, darf ich zum Schutzhaftverfahren etwas hinzufuegen ?

Es war Verpflichtung fuer die Staatspolizeistelle, nachdem Schutzhaft verhaengt war, fuer die Familienangehoerigen des Verhafteten insofern Sorge zu

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tragen, als diese der NSV namhaft gemacht werden mussten. Falls der Verhaftete ein Geschaeft hatte, musste ein Treuhaender bestellt werden, damit die Erwerbsquelle erhalten blieb. Dies war vom RSH. in Erlassen angeordnet.

Colonel Neave: Sind Sie mit dem Dokument fertig ?

Zeuge: Jawohl.

Dr.Weissgerber:

F: Sie waren bei mehreren Gestapostellen taetig gewesen. Befand sich in einem dieser Gestapo-Bereiche ein Konzentrationslager?

A: Nein.

F: Sind nicht irgendwelche Ihrer Beamten oder Sie selbst in einem Konzentrationslager in irgend einer Form verwendet worden ?

A: Nein.

F: Es muss aber doch angenommen werden, dass Ihren Schutzhaftreferenten die Verhaeltnisse in den Konzentrationslager, so wie sie von der Anklage geschildert wurden, bekannt gewesen sind ?

A: Es trifft zu, dass Konzentrationslager-Haeftlinge n ch ihrer Entlassung sich manchmal auf den Dienststellen melden mussten. Es ist auch sicher, dass die Beamten sie nach den Verhaeltnissen dort befragt haben. Die Haeftlinge wiesen darauf hin, dass sie ein Schweigeverbot von dem Lagerkommandanten bei ihrer Entlassung erhalten hatten.

Im uebrigen machten die Haeftlinge soweit mir meine Beamten berichteten, auch keinen heruntergekommenen Eindruck, dass die Beamten daraus auf Grausamkeiten haetten schliessen muessen.

F: Ist Ihnen der Kugel-Erlass bekannt ?

A: Jawohl, dem Inhalt nach. Ob ich ihn selbst gelesen habe, kann ich nicht genau sagen, aber ich habe davon irgendwie Kenntnis erhalten.

F: Wie wurde dieser Kugelerlass in Ihrem Dienstbereich durchgeführt?

A: Meines Wissens, mit nicht viel Erfolg, denn sonst hätten mir die Kripo- oder Staatspolizeidienststellen Bericht darüber vorlegen müssen, was aber nicht geschah.

F: Ich lasse Ihnen diesen Erlass vorlegen. Es ist das Dokument Nr. 1650 PS.

(Dem Zeugen wird das Dokument überreicht)

VORSITZENDER: Wieviel soll der Zeuge davon lesen?

Dr. WEISSGERBER: Ich wollte dem Zeugen diesen Erlass nur vorlegen um festzustellen, ob er diesen Erlass überhaupt jemals zu Gesicht bekommen hat. Sie sagen dieser Kugel-Erlass ist in Ihren Dienstbereich niemals zur Anwendung gekommen?

A: Das kann ich nicht sagen. Ich kann nur sagen, dass mir von meinen Dienststellen über den Erfolg dieses Erlasses keine Berichte zugegangen sind. Wenn der Erlass aber besonderen Erfolg gehabt hätte, hätten mir die Dienststellen doch berichten müssen.

F: Wie erklären Sie sich die Bezeichnung "Kugel-Erlass" ?

A: Das RSHA pflegte oft recht eigentümliche Bezeichnungen für Erlasse zu wählen, als Decknamen. Ich habe mir besondere Gedanken über dieses Wort "Kugel-Erlass" noch nicht gemacht.

F: Ist Ihnen der "Kommando-Erlass" bekannt?

A: Jawohl.

F: (Wenn Sie in diesem Dokument die Seite 69 aufschlagen, es ist dies Dokument 553 PS, sehen Sie sich diesen Erlass kurz an und sagen Sie, ob er Ihnen bekannt ist?)
Im Dokument Nr. 553 PS auf Seite 69 ist dieser Erlass enthalten. Bitte sehen Sie sich diesen Erlass kurz an und sagen Sie, ob er Ihnen bekannt ist?

A: Er ist mir dem Inhalt nach bekannt geworden und zwar glaube ich ihn durch das Radio gehört zu haben. Ich glaube nicht, dass

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die Dienststellen der Gestapo oder ich selbst, ihn in dieser Form bekommen habe.

F: Wie wurde dieser Kommandoerlass in Ihrem Inspekteurbereich durchgeführt?

A: Er wurde gar nicht durchgeführt, weil wir solche Trupps bei uns nicht gefangen genommen haben und solche uns von der Wehrmacht auch nicht übergeben wurden.

F: Ist es richtig, dass den Beamten der Gestapo von Polizeidienststellen häufig der Vorwurf gemacht wurde, sie seien zu bürokratisch und zu lahm, es sei mit ihnen nichts los?

A: Dies ist häufig der Fall gewesen. Und zwar wurde dieser Vorwurf erhoben von Gauleitern, Kreisleitern,von den Höheren SS- und Polizeiführern ebenfalls sehr oft und auch vom Sicherheitsdienst der Gestapo gegenüber.

F: Sind jemals aus den Reihen Ihrer Beamten und Angestellten Beschwerden darüber vorgebracht worden, dass von ihnen eine ungesetzliche Tätigkeit verlangt werde?

A: Nein, wohl haben die Beamten hin und wieder meines Erachtens zu Recht Kritik geübt an dem Bonzentum. Ferner Kritik darüber geübt, dass es zweckmässig sei, der öffentlichen Meinung mehr Spielraum zu geben. Auf dieses Gebiet beschränkten sich eigentlich die Äusserungen der Beamten. Es muss dabei berücksichtigt werden, dass die Beamten natürlich durch ihre Arbeit auf viele Missstände innerhalb der Partei aufmerksam wurden. Obwohl die Dinge nach Berlin zum RSHA gegangen sind, wurde keine Abhilfe geschaffen.

F: Lassen Sie mich zum Schluss Ihre Aussage zusammenfassen: Sie bekunden, dass weder die Zugehörigkeit zur Gestapo im allgemeinen eine freiwillige war noch die Tätigkeit der Angehörigen der Gestapo eine verbrecherische war.

VORSITZENDER: Bevor der Zeuge auf diese Frage antwortet, hat Mr.Monneray etwas zu sagen.

MR.MONNERAY: Ich erhebe Einwand gegen diese Frage, weil ich glaube, dass dies von Gericht festgestellt werden soll und nicht von dem Zeugen.

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VORSITZENDER: Herr Dr.Weisgerber, der Zeuge kann nicht beurteilen, ob die Tätigkeit verbrecherisch war.

DR. WEISGERBER: Ich habe die Frage auch nur auf die Dienststellen beschränkt, die ihm unterstellt waren.

VORSITZENDER: Möchten Sie bitte die Frage wiederholen.

DR.WEISGERBER: Wenn ich zusammenfassend sagen will, wollen Sie bekunden, dass weder die Zugehörigkeit zur Gestapo im allgemeinen eine freiwillige war - - -

VORSITZENDER: Dies ist eine Frage. Vielleicht lassen Sie den Zeugen erst auf diese Frage antworten.

ZEUGE: Ja, ich wollte sagen, dass von einer eigentlichen Freiwilligkeit nicht gesprochen werden konnte.

DR.WEISGERBER: Sie wollten weiter sagen, dass die Tätigkeit der Ihnen unterstellt gewesenen Beamten und Angestellten der Gestapo keine verbrecherische war?

MR.MONNERAY: Ich glaube, die Frage könnte so gestellt werden, dass der Zeuge sagen könnte, er glaubt nicht, dass seine Tätigkeit oder die der Dienststelle unter ihn, verbrecherisch war.

VORSITZENDER: Einen Augenblick bitte, vielleicht können Sie die Frage anders stellen.

DR.WEISGERBER: Sie wollen sagen, dass die Zwecke und die Tätigkeit der Gestapo, soweit sie den Ihnen unterstellt gewesenen Angehörigen bekannt waren, völlig offen lagen und nicht als verbrecherisch angesehen wurden?

A: Jawohl.

DR.WEISGERBER: Danke, ich habe keine Fragen mehr.

VORSITZENDER: Es wäre eine gute Zeit eine Pause von 10 Minuten eintreten zu lassen.

(P a u s e)

K R E U Z V E R H Ö R

MAJOR MURRAY: Wie ich verstehe war es Ihre Pflicht dafür Sorge zu tragen, dass die Befehle der RSHA in den Bezirk, in den Sie In-

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spektor waren ausgeführt wurden. Stimmt das?

F: Es war dann auch eine Ihrer Pflichten dafür zu sorgen, dass die Gestapo in Ihrem Bezirk die Untersuchungen der Kriegsgefangenen ausführten, um festzustellen, welche Gefangenen rassisch oder politisch nicht einwandfrei und hinzurichten waren, nicht wahr

A: In meinem Dienstbereich bestanden keine solchen Arbeitsgebiet soweit ich weiss. Dies war nur in Kriegsgefangenenlagern im Osten des Reiches der Fall.

F: In Ihrem Dienstbereich waren doch Kriegsgefangenenlager?

A: Jawohl.

F: Der Befehl der Ihnen bekannt war, bezog sich doch auf alle Kriegsgefangenenlager?

A: Diesen Befehl habe ich nicht bekommen, auch nicht durchführen brauchen. Ich habe lediglich, wie ich noch in Königsberg war und gerade nach Düsseldorf versetzt wurde, einen Beamten nach Berlin schicken müssen zur Besprechung für solche Aufgaben.

F: Aber von diesem Befehl haben Sie gewusst?

A: Nein, die Einzelheiten sind mir nicht bekannt. Ich bekam den Befehl in Königsberg, dafür einen Beamten abzusenden nach Berlin. Was er dann auszuführen hatte, davon bekam ich keine Kenntnis. Die war im Sommer oder Herbst 1941.

F: Sie wissen doch, dass dies ein allgemeiner Befehl war vom 17.Juli 1941 und an alle Gestapo-Hauptquartiere ging, was das Ihri war?

A: Ich kann nur das sagen, was ich eben erwähnte, nämlich mehre Einzelheiten über diese Aufgaben sind mir nicht bekannt.

F: Das war aber doch ein wichtiger Befehl?

A: Jawohl.

F: Und Sie als Inspekteur wussten doch von allen wichtigen Befehlen?

A: Ich war in Königsberg nicht Inspekteur sondern Gestapo-Leite und wie ich nach Düsseldorf kam lag ein solcher Befehl nicht vor.

F: Wo waren Sie im November 1938?

A: In Koblenz.

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F: Sie waren Gestapochef in Koblenz?

A: Ich war Vertreter des Leiters der Gestapo.

F: Wie Sie heute morgen sagten sind vor dem Jahre 1941 keine Juden in Haft genommen worden, es sei denn, aus guten Gründen. Stimmt das?

A: Jawohl.

F: Stimmt es, dass nach dem Jahre 1941 Juden ohne bestimmte Gründe verhaftet wurden? Ist das wahr?

A: Es war ein Befehl von RSHA vorhanden, dass die Juden, die zu einer bestimmten Kategorie gehörten, zusammengefasst werden sollen und zu einem bestimmten Ort gebracht werden mussten.

F: Ist es richtig, dass Sie im November 1938 zurzeit des Judenpogroms in Koblenz waren ?

A: Nein. Ich habe am 2.November geheiratet und war in Urlaub.

F: Wie lange war Ihr Urlaub?

A: Etwa drei Wochen.

F: Jedenfalls wissen Sie aber doch, dass die Gestapo in Koblen Befehle bekam, das Judenpogrom zu organisieren.

A: Nein, zu dem Zeitpunkt, wo ich auf Urlaub ging, lag ein solcher Befehl nicht vor.

F: Sie wissen aber, dass in diesem Befehl von Müller stand, dass 20 - 30 000 Juden gefangen genommen werden sollten und dass dies hauptsächlich reiche Juden sein sollten. Nennen Sie das einen guten Grund für Verhaftungen von Juden.

A: Darüber kann ich nichts sagen. Nach Ablauf meines Urlaubs kam ich als Dienststellen leiter im November 1938 nach Elbing und dort lagen keine Judenverhaftungen vor.

F: In Ihrem Dienstbereich befanden sich doch Konzentrationslager?

A: Nein.

F: In Ihrem ganzen Bezirk war kein einziges Konzentrationslage

A: Nein, im Wehrkreis VI nicht.

F: Nach Ihrer Stellung in der SD , der Kripo und der Gestapo zu urteilen, waren doch die Tätigkeiten der Einsatzgruppen in den besetzten Ostgebieten bekannt?

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A: Keineswegs, denn ich hatte mit den Einsatzgruppen keine weitere Verbindung gehabt, als dass Beamte von meiner Dienststell dorthin abgeordnet waren.

F: Sie wussten also, dass diese Einsatzgruppen bestanden?

A: Jawohl.

F: Wann haben Sie zuerst davon Kenntnis erhalten? Ungefähr 1941, nicht wahr?

A: Als ich von Königsberg wegging, wusste ich, dass Einsatzgruppen bestanden, und in Düsseldorf waren auch Beamte zu Einsatzgruppen abgeordnet.

F: Sie wussten also, dass ab 1941 diese Einsatzgruppen bestanden?

A: Jawohl.

F: Und alle anderen Personen in der Gestapo wussten doch von dem Vorhandensein dieser Einsatzgruppen?

A: Die Mehrzahl ja.

F: Und Sie sind trotzdem in der Gestapo geblieben und haben keinen Einwand gegen diese Tätigkeit erhoben?

A: Ich hatte keine Möglichkeit aus der Gestapo auszuscheiden und wusste ausserdem nicht, welche Tätigkeit die Einsatzgruppen verrichteten.

MAYOR MURRAY: Danke, ich habe keine Fragen mehr.

MR.MONNERXY: Ich habe ein paar Fragen über die Konzentrationslager im Wehrkreis VI. Waren Sie 1940 in Düsseldorf?

A: Jawohl.

F: Und Sie waren Inspekteur des SD und der Sicherheitspolizei in Düsseldorf?

A: Jawohl.

F: Sie behaupten, dass in Ihrem Gebiet keine Fremdarbeiterlager keine Internierungslager gab?

A: Fremdar-beiterlager sind mir insofern bekannt, dass ich wei dass beim höheren SS- und Polizeiführer ein Verbindungsmann war, der den Einsatz von Konzentrationslager-Häftlingen bei Industriefirmen sicherstellte.

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F: Hatten Sie Arbeitslager in Ihren Bezirk?

A: Ja, zwei Stück.

F: Wissen Sie woher die Insassen dieser Arbeitslager stammten?

A: Ja, das waren Leute die von den Staatspolizei- oder Kripo-Stellen festgenommen waren und auf zwei Jahre in das Arbeitslager eingewiesen worden waren.

F: Waren auch Konzentrationslager-Insassen in die Arbeitslager Ihres Bezirkes überwiesen worden ?

A: Nein.

F: Sie sind sich doch bewusst, dass Sie unter Eid aussagen?

A: Jawohl. In den Arbeitserziehungslager Essen-Mülheim befanden sich meines Wissens keine Konzentrationslager-Häftlinge. Über diese Angelegenheit müsste meines Wissens die Staatspolizeistelle nähereAuskunft geben können, der die Arbeitserziehungslager direk unterstanden.

F: Entsinnen Sie sich, dass Sie um Berichte gebeten haben bei Ihren verschiedenen Gestapo-Dienststellen über die Sicherheitsmas nahmen, die ergriffen werden sollen bei Arbeitslagerinsassen die aus den verschiedenen Konzentrationslagern, wie z.B. Buchenwald kamen?

A: Meines Wissens sind keine Konzentrationslager-Häftlinge in die Arbeitserziehungslager hineingekommen.

F: Entsinnen Sie sich an das Arbeitslager Essen-Schwarzenpoth 13 ?

A: Dieses ist mir unbekannt.

F: Darf ich Ihnen einen Brief zeigen, der von der Gestapo in Düsseldorf am 13.Juli 1944 an den Inspekteur des SD und der Sipo in Düsseldorf geschickt worden ist. Sie sind doch der Inspekteur gewesen?

A: Jawohl.

F: Und in diesen Brief heisst es:

" Auftragsgemäss wurde die Überprüfung der im hiesigen Bereich befindlichen Arbeitslager der K.L.'s und zwar am Montag, den 10.7. vom Leiter der Aussendienststelle Essen, Kriminalrat NOHLES, und

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am Dienstag, den 11.7. von Kriminalkommissar BAUMANN, jeweils gemeinsam mit Oberstleutnant d.Sch. MARTIN, vorgenommen.
Das Arbeitslager, Kommando Essen, Schwarze Poth 13, ist ein Häftlingslager des K.L. Buchenwald, belegt mit 150 Häftlingen, die sich aus 90 Russen, 40 Polen, einigen Franzosen, Holländern ,Belgiern, Dänen, Luxemburgern und 3 Deutschen zusammensetzten. Die Häftlinge werden mit der Bergung von Baustoffen, Herstellung von Bausteinen usw. beschäftigt." Entsinnen Sie sich jetzt an diesen Brief?

A: Jawohl.

F: Sagen Sie immer die Wahrheit, genau wie eben, während Sie unter Eid sind?

A: Ja, ich habe die Unwahrheit nicht gesagt, sondern ich habe nur gesagt, dass in meinem Bereich keine Konzentrationslager bestanden. Es waren Arbeitslager, die von den Höheren SS- und Polizeiführern geführt wurden. Dieses Schreiben hat folgenden Hintergrund-

F: Ich will den Hintergrund dieses Briefes nicht wissen, ich wolte nur die Glaubwürdigkeit Ihrer Aussage nachprüfen. Sie wussten doch, was in den Konzentrationslagern vor sich ging?

A: Nein, das habe ich erst in dem Umfang erfahren in dem Filn, den wir hier im Gebäude gesehen haben.

F: Sie haben uns gesagt, dass die Gestapo nichts mit der Verwaltung von Konzentrationslagern zu tun hatte, nicht wahr?

A: Jawohl.

F: Aber Ihre Dienststelle wusste, dass, wenn sie Leute verhaftete, dass diese Leute in die Konzentrationslager gebracht werden sollten?

A: Jawohl, wenn ein Befehl vom RSHA dazu gegeben wurde.

F: Hatte die Gestapo unter Ihrer Befehlsgewalt die Verwaltung von Arbeitslagern.

A: Jawohl, von Arbeitserziehungslagern.

F: Und auf wie lange Zeit konnten Leute in diese Arbeitserzie - hungslager gesteckt werden?

A: Es war Vorschrift, dass sie 56 Tage einsassen wegen Arbeitsbummelei.

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F: Und nachdem?

A: Nachher wurden sie entlassen, es sei denn, dass das RSHA über Einzelne Konzentrationslagerhaft anordnete, sodass sie dann überführt werden mussten.

F: Haben Sie nicht vom RSKA einen Befehl erhalten, in den Sie aufgefordert waren, alle Insassen, die in diesen Arbeitserziehungslager gewesen sind, in die Konzentrationslager zu überführen?

A: Ja, es kam eines Tages ein Befehl, dass die Konzentrationslager aufgefüllt werden sollten und, dass die Arbeitserziehungslager-Insassen deswegen zu den Konzentrationslagern transportiert werden sollten.

F: Entsinnen Sie sich an das Datum dieses Befehls?

A: Ich glaube, dass es 1943 gewesen ist.

F: Könnte das auch schon 1942 gewesen sein? Würden Sie dieses Datum annehmen, wenn ich Ihnen den Befehl zeige?

A: Das kann ich nicht genau sagen.

F: Und wielange waren Ihre Arbeitserziehungslager in Tätigkeit? Bis zum Ende?

A: Bis zum Zusammenbruch.

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11. Juni-EF-1. Brander.

DURCH M. MONNERAY:

F: Der Befehl der Ihnen gegeben wurde eine Auszahl unter den Insassen dieser Arbeitserziehungslager zu treffen, galt also auch bis Kriegsende.

A: Wenn ich richtig die Frage verstehe, ob nunmehr keine mehr aus den Arbeitserziehungslagern mehr entlassen werden sollten bis zum Kriegsende?

F: Ja.

A: Das war nicht der Fall, aus dem Grund schon, weil staendig bei der grosse Anzahl der Arbeitsbummelanten die Notwendigkeit eines Lagers es mit sich brachte, dass Leute entlassen werden mussten, weil sonst kein Platz mehr da war.

F: Wollen Sie sagen, dass Sie spaeter keine Auswahl in den Arbeitserziehungslagern mehr getroffen haben nach 1942 fuer Konzentrationslager?

A: Aus den Arbeitserziehungslagern, nicht dass ich wuesste. Ich habe ja allerdings ab 1943 keine Staatspolizeistelle mehr gehabt, sondern war Inspektor und bin ueber Einzelheiten nicht mehr so informiert.

F: War es nicht gerade der Sinn dieses Befehls von 1942 ab, in den Erziehungslaegern auszuwaehlen fuer die Konzentrationslager um der deutschen Kriegsindustri so viel Arbeitskraefte wie moeglich zuzufuehren.

A: Meines Wissens war das damals eine einmalige Aktion, um die Konzentrationslaeger aufzufuellen und ich glaube nicht, dass es sich spaeter wiederholt hat.

F: Entsinnen Sie sich an einen Brief des Reichssicherheitshauptamtes, dass keine rechtsmaessigen Verfahren mehr gegen Juden, Polen Zigeuner usw. abgehalten werden sollen?

A: Jawohl.

F: Betrachten Sie diesen Befehl als einen Rechtsbefehl im Rahmen des Deutschen Reichsrecht?

A: Jawohl, denn der Justizminister hat sich dem Chef der Sicherheitspolizei und dem SD gegenueber bereit erklaert, dass diese Verfahren, die sonst vor dem Gericht stattfanden, nunmehr von der Polizei wahrgenommen wurden.

F: Und wie wurden diese Verfahren bei den Polizeibehoerden abgehalten?

A: Wenn die Voraussetzung des betreffenden Erlasses erfuellt war, wurde das Reichssicherheitshauptamt benachrichtigt, das dann die betreffende Entscheidung ueber den Fall abgab.

F: Und Ihre Dienststelle hat keinen Entscheid selbst gefaellt?

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11. Juni-EF-2. Brander.

A: Meines Wissens nicht. Ich glaube, ich weiss - doch, zum Schluss des Krieges waren sie befugt, bezueglich der Ostarbeiter und ich glaube der Polen selbst Entscheidungen zu faellen.

F: Und was war tatsaechlich der Entscheid?

A: Die Betreffenden konnten zur Sonderbehandlung gebracht werden, d.h. sie wurden beim Vorliegen der betreffenden Bedingungen erhaengt oder sie wurden in das Konzentrationslager ueberstellt. Soweit glaube ich mich des Erlasses zu entsinnen.

F: Wurde vorher ein Prozessverfahren durchgefuehrt ?

A: Ja, es musste zunaechst der Beschuldigte eingehend verhoert worden sein, dann mussten seine Zeugen, die er angab, gehoert worden sein und dann mussten alle sonstigen Voraussetzungen krimineller Art gegeben sein, sodass der Betreffende aus ueberfuehrt gelten konnte.

F: Haben Ihre Untersuchungen die persoenlichen Motive des Angeklagten in Betracht gezogen?

A: Ich weiss nicht, was ich hier unter persoenliche Motive verstehen darf?

F: Ob er eine persoenliche kriminelle Absicht hatte z.B. oder ob mildernde Umstaende vorlagen?

A: Jawohl, das musste beruecksichtigt werden.

F: Um Ihnen zu zeigen, wie weit Ihre Aussage zutrifft, moechte ich Ihnen aus diesem Dokument L 316, USA 346 vorlesen:

"Bei der Aburteilung einer Straftat eines Polen werden daher im Prinzip immer noch dieselben Gesichtspunkte angewandt, die fuer die Aburteilung eines Deutschen massgebend sind, d.h. der Richter geht von der Person des Taeters aus und versucht fuer die Tat unter weitgehendster Wahrung der persoenlichen Motive des Taeters eine Suehne zu finden, die den Interessen der Volksgemeinschaft gerecht wird. Die Erwaegungen, die fuer die Aburteilung einer Straftat eines Deutschen richtig sein moegen, sind fuer die Aburteilung einer Straftat eines fremdvoelkischen oder fremdrassigen Elements falsch. Bei Straftaten eines fremden Volkszugehoerigen, haben die persoenlichen Motive des Taeters vollkommen auszuschalten. Der einzige Standpunkt darf nur sein, dass seine Tat die deutsche Volksordnung gefaehrdete und dass daher vorbeugende Massnahmen getroffen werden muessen, die weitere Ausfuehrungen verhindern."

Wuerden Sie sich bitte dieses Dokument ansehen?

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(Dem Zeugen wird das Dokument ausgehaendigt)

A: Der Erlass ist mir bekannt. Ich habe folgendes dazu zu erklaeren, dass in der Praxis die Ausfuehrung nicht so moeglich war, wie es hier vorgesehen ist. Ich darf ein Beispiel dafuer anfuehren.

F: Ich glaube es ist nicht noetig. Sie haben uns gesagt, dass von einem gewissen Datum an es nicht noetig war fuer die Verhaftung von Juden einen Befehl des Reichssicherheitshauptamtes gehabt zu haben.
Nicht wahr?

A: Jawohl, es war kein Einzelbefehl, sondern es kam im Jahre 1941 ein Sammelbefehl, dass die Juden der und der Altersklassen festzunehmen und auf Transporte zu nehmen seien.

F: Koennen Sie mir sagen, fuer welche andere Gruppen von Juden dasselbe zutraf, dass sie ohne Einzelbefehl des Reichssicherheitshauptamtes verhaftet werden konnten?

A: Fuer die Juden, die in dem Erlass genannt worden waren .....

F: Ausser diesen Juden gab es andere Gruppen, die ohne Einzelbefehl verhaftet werden konnten?

A: Jawohl, es gab einen Sammelbefehl 1941, dass die Juden mit Ausnahme einiger bestimmten Gruppen, dazu gehoerten die Mischehen, das waren jene, die mit Juden verheiratet waren .....

F: Ich verlasse die Frage der Juden. Ich moechte wissen, ob es noch andere Gruppen gab ausser den Juden?

A: Jawohl, Es gab einen Sammelbefehl, in welchem Jahr kann ich nicht genau sagen, ich glaube es war 1943 oder 1944, das kommunistische Funktionaere, sozialdemokratische Funktionaere und sonstige bekannte staatsfeindliche Elemente, die eine Gefahr bedeuten konnten, zunaechst festgenommen werden konnten.

F: Dann konnten die Polizeistellen jeden verhaften, den sie als gefaehrlich fuer den Staat ansahen?

A: Soweit sie innerhalb dieser Gruppen, die ich eben nannte, fielen, und soweit sie als staatsfeindlich, gefaehrlich angesehen werden mussten.

F: Wer hat den zu beurteilen gehabt, wer gefaehrlich oder nicht gefaehrlich war?

A: Die betreffenden Personen waren in den Polizeidienststellen schon seit laengerer Zeit bekannt und hatten auch meistens Personalakte in den Dienst-

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stellen der Staatspolizei.

F; Sie sagten gestern, dass Ihre Aufgabe als Inspekteur der Sicherheitspolizei und des SD darin bestand, die verschiedenen Abteilungen dieser Organisatione zu koordinieren?

A: Jawohl.

F: Wie haben Sie praktisch dieses durchgefuehrt?

A: Das war schwierig. Einmal, weil die Gestapo eine Beamtengruppe war und der SD war eine Parteiorganisation. Wenn Schwierigkeiten in der Zusammenarbeit in einer Dienststelle auftraten, dann hatte ich die Anweisung gegeben, dass der Leiter der SD-Dienststelle oder der der Staatspolizei sich vorher miteinander besprechen und die Unebenheiten aus der Welt zu schaffen suchen. Wenn das nicht moeglich war, sollten sie sich an mich wenden und nicht gleich an das Reichssicherheitshauptamt berichten, denn sonst kaemen immer wieder Rueckfragen und es entstaende der Eindruck, als wenn sie gegeneinander und nicht zusammen arbeiteten.

F: Koennen Sie uns sagen, wie Sipo und SD zusammen haetten arbeiten sollen?

COL. NEAVE: Mr. Monneray, was meinen Sie "haetten sollen"?

M. MONNERAY: Gemaess des allgemeinen Planes des Reichssicherheitshauptamtes.

COL. NEAVE: Ist dieses in direkten Verhoeren erwaehnt worden? Ich meine die Organisationsseite?

M. MONNERAY: Ja. Der Zeuge hat uns gesagt, dass er Inspektor von Sipo und SD war, und dass seine Aufgabe darin bestand, diese beiden Organisationen zu koordinieren, und es waere fuer uns deshalb interessant zu wissen, gemaess welchen Linien er das getan hat.

COL. NEAVE: Sehr gut.

DURCH M MONNERAY:

A: Nach dem Willen von Heydrich, der den SD gebildet hat, sollte der SD - so drueckte er sich einmal aus, - der Generalstab sein, und die Staatspolizei sollte die kaempfende Truppe darstellen. Wenn jetzt Anzeigen von dem SD an die Staatspolizei abgegeben wurden, so waren diese Anzeigen oft haltlos, was aber durch die Tatsache erklaert werden konnte, dass bei ihnen keine Kriminalbeamten zur Pruefung vorhanden waren. Und wenn dann deshalb auf Grund solcher Anzeigen die Staatspolizei nichts unternehmen konnte, so war der SD oft ungehalten darueber und glaubte, dass die Beamten zu buerokratisch waren, waehrend auf der ande-

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ren Seite die Gestapobeamte ungehalten waren, dass sie vom Sicherheitsdienst oft in ihrer Arbeit begutachtet wurden von Kraeften, die keine geschulten Fachkraefte darstellten. Es gab aber auch Dienststellen, wo die Zusammenarbeit durchaus erfreulich war.

F: Waren irgendwelche Mitglieder des SD zu gleicher Zeit Mitglieder der Gestapo?

A: Der Ausdruck ist nicht richtig gewaehlt. Mitglieder waren sie nicht. Es waren einige abgeordnet zur Gestapo zur Dienstleistung, und zwar auf dem Kirchengebiet und in Staatsangelegenheiten.

F: Aber wie konnte der SD Berichte ueber die allgemeine Haltung ihrer Beamten von sich geben?

A: Ob das bis zuletzt geschehen ist, weiss ich nicht. Aber eine ganze Zeit lang hatte er es sich zur Aufgabe gemacht, die Beamten der Staatspolizei politisch zu begutachten, um das dann nach Berlin zu berichten. Ich weiss, dass ueber mich und meine Beamten staendig berichtet worden ist.

F: Haben Sie die Berichte des SD erhalten?

A: Nein.

F: Nicht ueber persoenliche Angelegenheiten, sondern ueber allgemeine Angelegenheiten?

A: Allgemeine Berichte ? Der Sicherheitsdienst uebersandte mir in der Mehrzahl der Faelle seine Berichte, die er auch an das Reichssicherheitshauptamt sandte. Aber es lag in dem Belieben des Stellenleiters mir nicht alles zu senden. Er konnte auch direkt nach Berlin berichten und ich habe oft die Erfahrung gemacht, dass ich Berichte nicht erhalten habe. Das traf aber auch die anderen Dienststellen.

F: Wissen Sie, ob dieselbe Zusammenarbeit, die auf Ihrem Gebiet vollzogen werden sollte, sich auch in Berlin abspielte zwischen Sipo und SD ?

A: Darueber bin ich wenig informiert.

M. MONNERAY: Ich habe keine weiteren Fragen mehr.

DURCH COL. SMIRNOV:

F: Ich will zwei kurze Fragen an den Zeugen richten.

Wenn ich Sie richtig verstanden habe, so hatte die Gestapo ueberhaupt keine Beziehung und nichts gemeinsam mit jenen Missetaten, die man in den Konzentrationslagern veruebte?

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A: Nein.

F: Ist das bestimmt?

A: Das ergibt sich schon daraus, dass keine Beamten und Angestellten von der Staatspolizei in den Konzentrationslagern abgeordnet waren.
Ich weiss zwar, dass von den in der Naehe liegenden Gestapodienststellen ein oder zwei Ermittlungsbeamte abgeordnet wurden in das Konzentrationslager, aber sonst waren keine Beamten der Staatspolizei dorthin gekommen.

F: Hat aber die Gestapo in den Kriegsgefangenenlagern keine Massenmorde begangen?

A: Darueber kann ich nichts sagen. In meinem Gebiet ist dies nicht der Fall gewesen.

F: Sind Sie ueber die geheimen Befehle Nr. 14 und 8 von Heydrich unterrichtet?

A: Ich moechte bitten, mir die Befehle zu geben, ich kenne sie nicht.

F: Ich glaube, dass Sie sich daran erinnern, dass man die Gestapo im Reichssicherheitshauptamt als Amt 4 bezeichnete?

A: Jawohl.

F: Es ist ein Dokument, das die Sowjetanklage schon vorgelegt hat. Diese Dokumente wurden in Kiev aufgefunden. Diese Befehle sagen, dass man Massenmorde durchfuehren und zu diesem Zweck Spezial-Sonderkommandos zusammenstelle. Es ist Dokument USSR 14.
Koennen Sie uns nicht sagen, ob dieser Befehl im Amt 4 herausgegeben wurde?

A: Jawohl, es traegt das Aktenzeichen vom Amt 4.

F: Und dabei ist das erste Referat erwaehnt. Ich nehme an, dass Sie sich erinnern, was das erste Referat darstellt?

A: Ich bedauere, so genau kenne ich die Gliederung des Reichssicherheitshauptamtes nicht mehr.

F: Dann bitte ich den Zeugen, dass er sich der letzten Seite zuwendet, und sich den Verteiler ansieht. Hier ist gesagt, an wem dieser Befehl geschickt wurde.
Einsatzgruppe Ia und Ib, Sonderkommando der Einsatzgruppen C und D usw..
Sie ersehen hieraus, dass dieser Befehl an sehr viele Referate geschickt wurde. Also die Gestapo hatte doch mitgewirkt an jenen Massenmorden, die man in den Konzentrations- und Kriegsgefangenenlagern veruebte, da alle diese Befehle von der Gestapo aufgestellt und ausgearbeitet wurden?

DR. WEISSGERBER: Ich bitte zu pruefen, ob der Zeuge hierzu ueberhaupt eine

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sachgemaesse Auskufft geben kann, nachdem er niemals weder im Reichssicherheitshauptamt war, noch in einer Einsatzgruppe taetig war, noch in einem Kriegsgefangenenlager taetig war.

COL. NEAVE: Ich glaube, es ist schon darauf hingewiesen worden, dass Amt 4 in dem Verteiler erwaehnt ist.

DR. WEISSGERBER: Der Zeuge war ja selbst niemals Angehoeriger des Amtes 4 gewesen.

COL. NEAVE: Das Kreuzverhoer kann fortgesetzt werden.

DURCH COL. SMIRNOV:

F: Ich bitte, sehen Sie sich ein anderes Dokument an, das auch zu jener Zeit aufgefunden wurde. Es isr der Einsatzbefehl Nr. 8. Sehen Sie sich die dritte Seite an. Hier ist gesagt, wer eigentlich alle diese Einsatzkommandos in den Lagern fuehrte und wer die Fuehrung zwischen diesen Einsatzkommandos leitete.

Kennen Sie den Kriminalrat Schiffer?

A: Nur vom Hoerensagen.

F: Aber er hat doch in der Gestapo gedient?

A: Bei der grossen Zahl der Beamten der Geheimen Staatspolizei konnte ich nicht jeden persoenlich kennen.

F: Kennen Sie den Kriminalrat Kommissar Maschwitz?

A: Nein.

F: Ich bitte Sie noch einmal, dass Sie Ihre Aufmerksamkeit darauf richten, an wem dieser Befehl Nr. 8 geschickt wurde. U.a. wurde er auch an den Chef der Sicherheitspolizei und des SD in Krakau, in Koenigsberg und andre Staedte geschickt Auch an den Chef der Gestapo in Koenigsberg, Tilsit, Allenstein und Stettin. Geht nicht daraus hervor, dass eben die Gestapo alle diese Massenmorde durchfuehrte?

A: Es ist mir unbekannt, in welchem Umfang dieser Befehl durchgefuehrt worden ist.

F: Ich bitte um die Erlaubnis, einen Absatz aus diesem Dokument vorzulesen: 'Ich versuche sofort, ein Kommando, bestehend aus einem SS-Fuehrer und 4-6 weitere S-Maenner, fuer die Kriegsgefangenenlager in diesem Bezirk abzustellen. Falls zur Durchfuehrung der gestellten Aufgaben zusaetzliche Kraefte benoetigt werden, ist mir sofort Mitteilung zu machen. Ich mache jedoch darauf aufmerksam, dass die nicht davon betroffenen Staatspolizei-Dienststellen im Bezirk nicht genuegend stark besetzt sind, dass fuer diese Zwecke weitere Kraefte abgegeben werden koennten."

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Ich bitte um die Erlaubnis noch einen anderen Absatz von der Seite 2 vorzulesen:

"Vor der Durchfuehrung der Exekutionen haben sich die Fuehrer der Einsatzkommandos bei den Leitern der Gestapo Dienststellen ihres Bezirks oder dem betreffenden Lagerkommandanten zu melden und Bericht zu erstatten. Die Exekutionen duerfen weder innerhalb des Lagers noch in unmittelbarer Naehe des Lagers durchgefuehrt werden. Sie duerfen nicht in der Oeffentlichkeit stattfinden und muessen moeglichst unauffaellig von statten gehen."

COL. NEAVE: Haben wir die Nummer des Dokumentes?

COL. SMIRNOV: Dies ist eines der Serie der Dokumente, die alle in Kiev gefunden wurden und sie tragen alle die gleiche Nummer, naemlich USSR 14.

F: Das zeigt doch, dass die Gestapo fuer die Einsatzkommandos verantwortlich ist und auch fuer die Durchfuehrung der Massenhinrichtungen?

A: Nach diesem Erlass, ist die Staatspolizei unzweifelhaft beteiligt gewesen, aber ich weiss nicht in welchem Umfange.

COL. SMIRNOV: Ich habe keine weiteren Fragen mehr.

Nochmaliges Verhoer.

DURCH DR. WEISSGERBER:

F: Wenn ich eine Frage des Herrn Major Murray richtig verstanden habe, lautete diese Frage: Hat die Gestapo nicht das Progrom vom 8. November 1938 organisiert? Auf diese Frage hat, soweit ich es gehoert habe der Zeuge mit Ja geantwortet. Ich weiss nicht, ob der Zeuge diese Frage richtig verstanden hat. Ich bitte deshalb den Zeugen zu dieser Frage nochmals Stellung zu nehmen.

A: Das "Ja" war ein Irrtum, infolge Missverstehens der Frage, denn ich war damals auf Urlaub und konnte darueber keine Angaben machen.

F: Hat der Zeuge nachtraeglich davon erfahren, dass die SS dieses Progrom organisiert hat?

A: Soweit ich davon gehoert habe, ist dies vom Propagandaministerium ausgegangen unter Mitwirkung der Partei.

F: Waren nicht schon Einsatzgruppen im Polnischen Feldzug 1939, im Frankreichfeldzug 1940 und im Balkanfeldzug 1941 eingesetzt?

A: Ich glaube ja.

F: Was war von der Taetigkeit dieser Einsatzgruppen bekannt?

A: Ich kann wenig darueber sagen.

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F: War von der Taetigkeit dieser Einsatzgruppen bekannt geworden, dass sie in der Hauptsache darin bestand, die Zivilbevoelkerung zu terorisieren und zu ermorden?

A: Das glaube ich nicht. Ich glaube, ihre Aufgabe bestand in der Sicherung des rueckwaertigen Gebietes.

F: Wurden Berichte der Fuehrer der Einsatzgruppen im Ostfeldzug bei den Stapoleitern im Inland bekanntgegeben?

A: Nein, ich habe jedenfalls keine gesehen.

F: Wurde der Einsatz der Arbeitskommandos von Konzentrationslagern von Ihnen als Inspekteur geregelt?

A: Nein. Diese Einsaetze wurden, soweit ich weiss von den Konzentrationslagern selbst geregelt; aber irgendwie unterstanden diese Kommandos dem Hoeheren SS- und Polizeifuehrer.

F: Wurden Sie als Inspektuer und auch die Stapostellen von dem Einsatz der Arbeitskommandos der Konzentrationslager benachrichtigt?

A: Nein. Nur vom Hoeheren SS- und Polizeifuehrer erhielten wir einmal einen Auftrag die Sicherungsmassnahmen mit diesen Arbeitserziehungslagern im Hinblick auf Fluchtmoeglichkeiten zusammen mit der Ordnungspolizei zu ueberpruefen.

DR. WEISSGERBER: Ich habe keine weiteren Fragen mehr.

(Die Kommission vertagt bis 14 Uhr.)

Das Vorstehende ist eine wahre und richtige Niederschrift der Zeugenaussagen vom 11. Juni 1946.

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